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International Court of Justice

H0047-0002

Official transcript of the International Military Tribunal in the matter of: The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 29 January 1946, 1000-1245, Lord Justice Lawrence presiding.

COURT OFFICER: May it please the Court, I desire now to say that the defendant Kaltenbrunner will be absent from this morning's session on account of illness.

M. DUBOST: In my capacity as representative of the French prosecution, I wish to ask the Tribunal to consider this request. The witnesses that were interrogated yesterday are to be cross-examined by the defense. It takes 30 hours to return to Paris. We would like to know whether we are to keep them here, and, if the defense really has the intention of cross questioning them, we should like to proceed with that as quickly as possible in order to insure their return to France.

THE PRESIDENT: In view of what you said yesterday, M. Dubost, I said on behalf of the Tribunal that Dr. Babel might have the opportunity of cross examining one of your witnesses within the next two days. Is Dr. Babel ready to cross examine that witness now?

DR. BABEL: No. Mr. President, I have not yet received a copy of his testimony and consequently have not been in a position to prepare my cross examination. It was a relatively short time from yesterday to today. Therefore, I cannot make a definite statement today. If I had an opportunity during the course of the day to read the statement of his testimony --

THE PRESIDENT (Interposing): Well, that witness must stay until tomorrow afternoon, M. Dubost, but the other witnesses can go.

M. Dubost, will you see, if you can, that a copy of the shorthand notes is furnished to Dr. Babel as soon as possible, the shorthand notes of that witness' evidence.

M. DUBOST: Yes, Mr. President.

FRANCOIS BOIX returned to the stand.

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M. DUBOST: Last evening we projected sic pictures which were brought to us by the witness who is now before you and on which he offered his comments. This witness specifically stated under what conditions the photograph representing Kaltenbrunner in the quarry of Mauthausen had been taken. We place these photographs under No. 332 as a French document.

Will you allow me to formulate one more question to the witness and I shall be through with him.

BY M. DUBOST:

Q With respect to the essential point in this statement, do you recognize anyone among the visitors at the camp of Mauthausen?

A Mr. Speer.

Q When did you see him?

A He was in the camp of Kuschin in 1943. It was a construction camp near Mauthausen. I was in the identity service of the camp. In the course of those visits, the leaders took a whole picture of this visit and I developed that picture, and on the film I recognize Speer with other leaders. He was dressed in a light suit.

Q You saw that on the pictures that you developed?

A Yes, on the pictures that I did develop, and because afterward you had to write the names and the dates because there were many SS who wanted to have copies of such pictures.

THE PRESIDENT: I think the witness was going a little bit too fast. I think he had better repeat that.

BY M. DUBOST:

Q Will you please repeat that you recognized Speer on pictures that you developed.

A I recognized Speer on 36 pictures what were taken by Paul Ricken in 1943 during his visit at the camp of Kuschin and in the quarry of Mauthausen. He always looked extremely pleased on those pictures. There were even pictures where he shook hands to congratulate one of the assistant Nazi leaders of the camps.

Q One last question. Was there any service of chaplains in your camp?

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How did the interned die who wanted the assistance of religion as they passed away? Were there any chaplains in your camp?

A Yes, there were several. Of those that I can speak of, there were some German Catholics.

Q Did the administration of the camp officially grant to the internees the right to practice their religion?

A No, it was absolutely forbidden, even to live.

Q Were there any Catholic chaplains or were there any Protestant pastors?

A Most of them were Protestants. I don't know much about this.

Q How were priests and pastors treated?

A There was no difference between them and ourselves. They were fed as we were. They were, at times, sent to the gas chamber, at times sent to work, sometimes plunged in freezing water. The Germans knew that they were not people who could perform the labor that could be exacted from other camp inmates, and that is the way they treated the intellectuals of all countries.

Q They were not allowed to exercise their ministry?

A No, not at all.

Q Did the men who died have the assistance of a chaplain before they died, on being executed?

A No, they did not. At times, rather than being assisted by anyone in respect to religious matters, they would rather be beaten with bludgeons by the SS. I can mention the case of a few officers and political kommissars and prisoners of war.

M. DUBOST: I have no further questions to ask of the witness.

BY GENERAL RUDENKO:

Q Witness, will you be so kind as to tell us what you know about the extermination of Soviet prisoners.

A I am glad to be interrogated on this subject in detail. I know so many things that I could scarcely speak of them.

Q I would like to have you tell us specifically and briefly what you know about it.

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THE PRESIDENT: The witness' evidence isn't coming through to some of the defense counsel. Is it coming through to any of the defense counsel? I understand it is coming just to some and not to others.

BY GENER AL RUDENKO:

Q Then I would like to ask you, Witness, to tell us briefly in principal what you know about the extermination of Soviet war prisoners in the camp where you were.

A The arrival of the first prisoners of war took place in 1941, in November. They had announced the arrival of 2,000 Russian prisoners of war. They took the same precautions as in the case of the Republican Spanish prisoners of war. They put machine guns everywhere.

As soon as the Russian prisoners of war entered the camp, they said that they were in frightful condition. They were human rags. They were placed in the barracks, 1,600 in each barracks. They were 7 meters wide by 104 meters long. They had no clothing. They could only keep one pair of drawers and two shirts. It should be emphasized that this was in November and it was 10 degrees below zero in Mauthausen.

Upon their arrival, there were a hundred or more who died in walking from the station to the camp of Mauthausen.

The same system was applied to them as was applied to the Spanish prisoners of war. They applied the same methods to them. They left them somewhat lone, but without anything to eat. At the end of four weeks they were already exhausted, and then the elimination procedure was applied to them. They were sent to labor under the worst conditions. They were struck and beaten and humiliated. At the end of three months, out of 2,000 Russian PW's, there were only 30 survivors. Of these 30 pictures were taken for a photographic document. I am prepared to show these pictures if they are accepted.

Q You do have this picture?

A M. Dubost knows about that, yes. M. Dubost has it.

Q Thank you.

What do you know about executions of Jugoslavs and Poles?

A The Poles came to the camp in 1939, from the moment of the defeat of Poland. They received the same treatment as we did. At that time there

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were only German common criminals in there. Then the work of the extermination was begun. There were tens of thousands of Poles who died under frightful conditions.

It should be emphasized that the Jugoslavs started coming in convoys. They were dressed in civilian clothes. They wore steel helmets and 165 came in the first lot. After that they came in small groups of 20 to 30, and 60, and even women came then. Among the four women that were once shot, it was the first time that any internees had spat upon the face of the camp fuehrer before dying. They suffered more than any nationality. Their position was comparable to that of the Russians. Until the very end they were massacred by every imaginable means. They did as many things to them as they did to the Russians.

Q Do I understand correctly that the concentration camp was really an extermination camp?

A It was Mauthausen Concentration Camp, Third Echelon, that is to say, the last echelon. That is, it was a camp from which no one was to come out.

GENERAL RUDENKO: I have no further questions.

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THE PRESIDENT: Does Counsel for Great Britain desire to cross examine?

COLONEL PHILLIMORE: No questions.

THE PRESIDENT: Counsel for the United States?

MR. DODD: No questions.

THE PRESIDENT: Do any counsel for the Defendants wish to cross examine:

BY DR. BABEL (Counsel for SS, SD):

Q Witness, how were you identified in the camp?

A The number? What, if you please? What kind of a brand?

Q The prisoners had insignia of various colors, of red, green, yellow, and so forth. What did you wear?

A Everybody wore insignia. Some wore stars; some wore triangles. There was also a letter which indicated the nationality. The Jews --

Q What color were you characterized by?

A I had a blue one with an R, blue with an R in it.

Q Were you a Kapo?

A I was an interpreter at first. Then I was in the identity service.

Q What were your tasks and duties there?

A At first, as interpreter, there were practically no Spaniards who could speak German and my work was to translate the barbarities which the SS caused me to say all the time. Then my work was that of a photographer, charged with developing the pictures which maintained the full story of what happened in the camp.

Q What was the policy with regard to visitors? Did visitors go only to the inner camp or did they also go to the places of work?

A The visitors went everywhere in the camp. Therefore, it was impossible for them not to know what was going on there. Only when there were magistrates or other such visitors from Poland, Austria, Slovakia, and all of that, then they allowed them to visit only the better parts of the camp. They would look for the cooks and they would look for the criminal inmates who were fat and healthy looking and they would show them to the visitors, saying that all inmates were the same.

Q Were the prisoners forbidden to communicate to the outer world

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anything regarding the conditions in the camp?

A It was so completely forbidden that if anyone was caught at it, it was not merely a question of being put to death, but of being tortured and reprisal being exercised on members of his nationality.

Q What did you observe about the behaviour of the Kapos? How did they behave toward their fellow prisoners?

A At times they were really worthy of being SS themselves. To be a Kapo, you had to be a pure Aryan. That means that they had a martial bearing. Therefore, they considered that theyhad the right to treat us like animals. The SS gave them carte blanche to do what they willed with us. Thus it was that at liberation the prisoners and deportees executed all the Kapos on whom they could lay their hands. Before that, the majority of the Kapos and the common criminals asked to enlist voluntarily in the SS and they left with the SS because they knew what was awaiting them. In spite of that we looked for them everywhere and executed them on the spot.

Q You said they had to behave like animals. I deduce from that that you knew of that.

A You could see that by the way they behaved. It was preferable to die like a man rather than to live like a beast, and they preferred to live like beasts and they behaved as such.

Q I didn't receive the translation of that reply. Would you please repeat your answer. I didn't understand.

A You would be blind in order not to see what went on. I know what they were doing. There were many among us who had the possibility of becoming Kapos because we were specialists in some of the trades in the camp. They would prefer to be beaten, if necessary, and executed, rather than to become a Kapo.

DR. BABEL: Thank you.

THE PRESIDENT: Does any other member of the defendants' counsel wish to ask questions of the witness?

M. Dubost, do you wish to ask any questions?

M. DUBOST: I have no further questions, Mr. President.

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GENERAL RUDENKO: The witness informed us that he has a photographic document at his disposal showing 30 Russian war prisoners who were the only survivors from several thousand Russian war prisoners who were interned in this camp. I would like to ask you, Mr. President, to present this photographic document to the witness so that he can confirm before the Tribunal that this is really a document about this group of Soviet war prisoners.

THE PRESIDENT: Certainly you may show the photograph to the witness if you have it. You may put the photograph to the witness if it is available.

GENERAL RUDENKO: Yes.

BY GENERAL RUDENKO:

Q Witness, can you show this picture?

A What was it please? To whom?

BY THE PRESIDENT:

Q Is this the photograph? (Indicating)

A Yes, that is these 30. I can assure you that these 30 survivors were still living in 1941. Since then, in view of the conditions of the camp, it is very difficult to state whether any of them are still alive.

Q Would you please state the date when this photograph was taken?

A It was at the end of winter, 1941-42. In those days, it was still 8 degrees below zero. You can see on the picture the countenance of the prisoners because of the cold.

THE PRESIDENT: Has this book been put in evidence yet?

M. DUBOST: This book has been submitted as evidence. It is RF-321.

THE PRESIDENT: 321. Have the defendants got copies of it?

M. DUBOST: They have received a copy of that text in German, your Honor. I am not certain whether the German text has the pictures as well. No, the pictures are not in the German version.

THE PRESIDENT: Well then, let this photograph be marked. It had better be marked with a French exhibit number, I think. What will it be?

M. DUBOST: We shall give it number 333, RF-333.

THE PRESIDENT: Let it be marked in that way, and then hand it to Dr. Babel.

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GENERAL RUDENKO: Thank you, sir.

(The document above referred to was handed to Dr. Babel).

THE PRESIDENT: I think it should be handed about to the other defendants' counsel in case they wish to ask any question about it.

Mr. Dubost, I suppose that an approved copy of this book, including the photographs, has been deposited in the defendants' information center.

M. DUBOST: The whole book, except for the pictures.

THE PRESIDENT: Why not the pictures?

M. DUBOST: We didn't feel that we were to place them. In our expose we did not discuss the photographs.

THE PRESIDENT: The German counsel ought to have the same documents as are submitted to the Tribunal in evidence. The photographs have been submitted to the Tribunal; therefore, they should have been submitted in the information center.

M. DUBOST: It was deposited, the French text including the pictures, and in addition a certain number of texts in German which did not include the pictures because that translation was prepared for the use of the defense. But there are French copies of the book that have been placed in the document center with the pictures.

THE PRESIDENT: Very well.

M. DUBOST: We have here four copies, which we shall place before you, of the picture which was shown yesterday, which shows Kaltenbrunner and Himmle in the quarry of Mauthausen, on the basis of the testimony given by M. Boix. One of thesepictures will also be delivered to the defense, that is, to the lawyer of the defendant Kaltenbrunner.

THE PRESIDENT: Now, the photograph has been handed around to the defendants' counsel. Do any members of the defendants' counsel wish to ask any questions of the witness upon this photograph?

The witness can then retire.

THE WITNESS: I would like to say something more. I would like to note that there are a few cases where Soviet officers were massacred because they were prisoners of war. The Russian gentleman ought to listen to me on that.

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BY THE PRESIDENT:

Q What is it you wish to say about the massacre of the Soviet prisoners of war?

A There was a transport in 1943. They were Russian officers or political kommissars. On the day of their arrival in the camp they were massacred by every imaginable means. But it seems that from the higher spheres an order had come saying that something special had to be done, so they put them in the best

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block that there was in the camp. They gave them new clothing, Russian prisoners' clothing; they gave them cigarettes; they were put in beds with sheets; they were given everything they wanted to eat. Dr. Krissbach listened to them.

Then they were taken down to the quarry. They carried heavy stones and at that time Paul Hicken was there and was taking pictures of this incident. He undoubtedly took about 48 pictures. These pictures were developed by me and they were sent, with the negatives. It is too bad I couldn't keep the negatives of that as I did of the others. They were sent to Berlin for these questions.

When it was all over, the Russians were then asked to give up their clothing and they were sent to the gas chamber. The comedy was ended. Everybody could see on the pictures that the Russian prisoners of war and political kommissars were well treated, that they were in good condition. That is one thing that should be noted because I think it is necessary.

And another thing. There was a barrack called number twenty. In that barrack inside of the camp, and in spite of the electrified barbed wire around the camp, there was an additional wall with new electrified barbed wire around it, and in that barrack prisoners of war -- Russian, a few Frenchmen, some Jugoslavs, perhaps a few Englishmen -- no one could enter that barrack except the two fuehrers who were of the SD, that is, the commandant of the inner camp and of the outer camp. They were dressed like we were; like common-law prisoners. You could not tell their nationality from their dress. We had to run as we took the pictures, and they put a number on them. The number started with three thousand and some. Number eleven in blue. That started in about three thousand. Then it went up to four thousand. In the pictures at that time Herman Schimann, who was taking those pictures in Dasaltz -- it was somewhere north of Berlin, I don't remember where he came from -- he had the order to develop them himself. But since all the SS in the inner service in the camp only had orders to kill prisoners -- there were always two prisoners to do that. They needed me to develop their films, so that they would not be disturbed, so I did the enlargements. I always made two

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copies. I always gave them to SS Obersturmfuehrer Schulz. He was in Cologne. He was the political leader of the political division. He recommended to me to say nothing to anyone, otherwise we would be immediately liquidated. That is why I immediately told my comrades -- we had never been afraid of death -- so we thought that if anyone could get out of the camp they would be able --

THE PRESIDENT: I think we have heard enough of this detail that you are giving us. But come back for a moment to the place you were speaking of where the Russian prisoners of war in 1943 -- just a moment; I want to put a question about.

You said that the officers were taken to the quarry to carry the heaviest stones.

THE WITNESS: No, just small stones or less, about twenty kilos, to show in the pictures that the work that Russian officers were doing was not heavy work. It was very heavy work that they were required to do -- not really forced labor -- that was for the pictures. But in reality it was entirely different.

BY THE PRESIDENT:

Q I thought you said they carried big heavy stones. Were the photographs taken while they were in their uniforms carrying these light stones?

A Yes, sir; they had to put on clean uniforms, and neatly arranged in order to show that Russian prisoners were as they should be.

THE PRESIDENT: Very well. Is there any other particular incident you want to refer to?

THE WITNESS: Yes. I come back to block twenty. This little detail of which I want to speak -- in that block I succeeded in taking advantage of my knowledge of photography. I was able to keep the light in there in order to take my pictures, so I was able to get all sorts of details as to what was taking place in those barracks. In these barracks seventy metres wide by fifty metres long the prisoners there did not receive even one-fourth of what we received by way of food. They didn't have any spoons; they didn't have any plates. The bad food was thrown away under the snow, then the Russians had to eat what was thrown away. The Russians were so hungry that they would

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fight in order to eat that. Then when such fights broke out the SS --

BY THE PRESIDENT:

Q Do you mean that Russians were put into block twenty?

A No, the Russians came specially. They did not enter directly into the camp. Those who were not immediately gassed went to number twenty. Even the inner leader of the camp could not enter there. Small groups of fifty or sixty several times each week. And then one could always hear the shouts and the blows of the fights that went on inside. From new arrivals the Russians knew that the Russian Army was approaching Jugoslavia, so they took one last chance. They took one last chance and they beat the soldier, they took the machine gun, then they tore down the barbed wire with their own wooden shoes, with anything they could find, in order to be able to find weapons. Many died on the spot. There were seven hundred of them. Only sixty-two of the seven hundred succeeded in passing to Jugoslavia with the Partisans. On that day the leader of the camp gave the order by radio that all civilian prisoners were to cooperate in liquidating the Russian criminals. And if anyone brought proof that they had assassinated any one they would receive special rations. That is why those who belonged to the Nazi Party in Mauthausen and in the vicinity went to work. They brought more than six hundred down. There were many who could not drag themselves as far as ten metres.

After the liberation a Russian major came to Mauthausen. He was a survivor of the group. And it was he who told me the details of the fateful --

THE PRESIDENT: I don't think the Tribunal wants to hear more details which you didn't see yourself. Does any member of the defense counsel wish to ask any question of the witness upon the points which he has dealt with himself?

BY DOCTOR BABEL (Counsel for SS and SD):

Q In the course of your testimony you named a certain number of figures. How were you in a position, yourself, to count them?

A Nearly always there were complete convoys who were brought in the camp of columns of five. It was easy to count them. There were always transports who were sent from the Wehrmacht prisons somewhere in Germany.

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They were always sent from all prisons in Germany -- from the Wehrmacht, the Luftwaffe, the SS and SA.

THE PRESIDENT: Just answer the question and don't make a speech. You have said they were brought in in columns of five, and it was easy to count them.

THE WITNESS: Very easy to count them, particularly for those who wanted to be able to tell the story some day.

BY DOCTOR BABEL:

Q Did you have so much time that you were able to observe all these things?

A The transports came always in the evening after the deportees had returned to the camp. At that time we always had two or three hours where we could w. der about in the camp waiting for the bell that would tell us to go to bed.

THE PRESIDENT: The witness may now retire.

M. DUBOST: If the Tribunal permits, we shall now hear Mr. Cappelen, who is a Norwegian witness. The testimony of Mr. Cappelen will be limited to the conditions that were imposed on Norwegian internees in Norwegian camps and prisons.

THE PRESIDENT: Very well.

HANS CAPPELEN, a witness on behalf of the French prosecution, takes the stand.

THE PRESIDENT: I understand that you speak English.

THE WITNESS: Yes, I speak English.

THE PRESIDENT: Will you take the English form of oath?

THE WITNESS: Yes, I prefer to speak out in English.

THE PRESIDENT: What is your name?

THE WITNESS: My name is Hans Cappelen.

THE PRESIDENT: Will you repeat this oath after me.

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I swear that the evidence I shall give shall be the truth, the whole truth, and nothing but the truth, so help me God.

(Witness repeats oath in English)

THE PRESIDENT: M. Dubost, can you spell the name?

M. DUBOST: C-a-p-p-e-l-e-n.

THE PRESIDENT: It would help the Tribunal if the names of these witnesses could be handed up. It is extremely difficult to get these names.

M. DUBOST: They were given, Mr. President, last evening. I had taken to the Tribunal a letter addressed to you, Sir.

THE PRESIDENT: I haven't seen it.

BY M. DUBOST:

Q. M. Cappelen, you were born 18 December 1903?

A. Yes.

Q. In what town?

A. I am born in Kvietseid, Telemark, Norway.

Q. What is your profession?

A. I was a lawyer; but now I am a business man.

Q. Will you tell what you know of the brutalities of the Gestapo in Norway?

A. My Lord, I was arrested the 29th of November 1941 and brought to the Gestapo prison in Oslo, Moellergata 19. After ten days I was interrogated by two Norwegian N.S. or Nazi police agents. They started in at once to beat me with bludgeons. How long this interrogation lasted I can't exactly remember, but it did lead to nothing. So after some days I was brought to 32 Victoria Terrace. That was the headquarters of the Gestapo in Norway. It was about eight o'clock in the night. I was brought into a seemingly big room and they asked me to undress. I had to undress until I was absolutely naked. I was a little bit swollen after first treatment I had by the Norwegia police agents, but it wasn't so bad.

There was present six or eight Gestapo agents, and there was -- kriminalrat was his title -- Femer. He was very angry, and they started to bombard me with questions which I couldn't answer. So Mr. Femer run upon me

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and tore all the hair off my head, so hair and blood was laying on the floor around me. And so all of a sudden they all started to run upon me and beat me with rubber bludgeons and iron wires. It hurt me very bad, and I fainted. But I was brought back to life again in the way that they poured ice-cold water over me.

I vomitted, naturally, because I was feeling very sick. But that only made them angry, and they said, "Clean up, you dirty dog," and I had to make an attempt to clean up with my bare hands.

In this way they carried on for a long, long time, but the interrogation led to nothing because they bombarded me and asked me of persons whom I did'nt know or scarecely knew.

I suppose it must have been in the morning I was brought back again to the prison. I was placed in my cell and felt very sick and ill, I was. All during the day I asked the guard if I couldn't have a doctor; that was the 19th. After some days -- I suppose it must have been the day before Christmas Eve, 1941 -- I was again in the night brough to the Victoria Terrace. The same happened as last time, only that this time it was very easy for me to undress because I had only a coat on me; I was torn up from the beating last time. As last time, six, seven, or eight Gestapo agents were present.

BY THE PRESIDENT:

Q. German Gestapo, do you mean?

A. Yes, German Gestapo, all of them. And then there were present at that time too Kriminalrat Gemer, and he had a rank in SS and was criminal commissar. Then they started to beat me again, but it was useless to beat a man like me who was so swollen up and so bad looking. Then they started in another way: they started to screw and break my arms and legs. And my right arm dislocated. I felt that awful pain, and fainted again. Then the same happened as last time: They poured water over me and I came back again to life.

Now all the Germans there were absolutely mad. They roared like animals and bombarded me with questions again, but I was so tired I couldn't answer.

Then they placed a sort of home-made -- it looked to me as a sort of home-made wooden thing with a screw arrangement on my left leg, and they

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started to screw so that all the meat loosened from the bones. I felt an awful pain and fainted away again. But I came back again, and I have still big marks here on my leg from the screw arrangement now four years afterwards.

So that led to nothing, and then they placed something on my neck -- I still have marks here (indicating) -- and loosened the meat here. But then I had a collapse, and all of a sudden I felt that I was sort of paralyzed in the right side. It has otherwise been proved that I had a cerebral hemorrhage. And I got that double vision; I saw two of each Gestapo agents; and all was going round and round for me. That double vision I have had four years, and when I am tired it is coming back again. But I am better now so I can move again in the right side, but I am -- the right side is a little bit effected from that.

Well, I can't remember much more from that night, but the other prisoners who had to clean up the corridors in the prison had seen them bring me back again in the morning. That must have been about six o'clock in the morning. They thought I was dead, because I have no iron on my hands. If it had been for one day or two days, I can't tell, but one day I moved again and was a little bit clear, and then the guard at once was in my cell where I was laying on a cot among my own vomitting and blood, and afterwards there came a doctor.

He had, I suppose, quite a high rank; which rank I can't exactly say. He told me that I most probably would die, especially if I wasn't -- I asked him, "Couldn't you bring me to a hospital, because --" He said, "No. Fools are not to be brought to any hospital, before you do just as we say you shall do. As all Norwegians, you are a fool."

Well, they put my arm into joint again. That was very bad, but two soldiers hold me and they draw it in, and I fainted away again. So the time passed and I rested a bit. I couldn't walk, because it all seems to be going around for me. So I was laying on the cot. And so one day, it must have been in the end of February or in the middle of February 1942, when one night they came again. It must have been about ten o'clock in the night, because the light in my cell had been out for quite a long time. They asked me to stand

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up, and I made an attempt and fell down again because of the paralysis. Then they kicked me, but I said, "Isn't it better to put me to death, because I can't move?"

Well, they dragged me out of the cell, and I was again brought up to Victoria Terrace; that is the headquarters where they made their interrogations. This time the interrogation was led by one SS man called Stehr. I couldn't stand. So naked as I was I was laying on the floor. This Stehr had some assistants, four or five Gestapo agents, and they started to tramp on me, kick me. So all of a sudden they brought me to my feet again and brought me to a table where Stehr was sitting. He took my left hand like this (indicating) and put some pins under my nails and started to bring them up. Well, it hurted me badly, and all things going around and around for me, the double vision, but the pain was so intense that I draw my hand

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back. I shouldn't have done that, because that made them absolutely furious. I fainted away, collapsed, and I don't know for how long a time, but I came back to life again by the smelling of burned flesh or burned meat. And then one of the Gestapo agents was standing with a little sort of a lamp burning me under my feet. It didn't hurt me too much, because I was so feeble that I didn't care, and I was so paralyzed my tongue couldn't work, so I couldn't speak, only groaned a bit, crying naturally, always.

Well, I don't remember so much more of that time, but this was to me one of the worst things I was through with respect to interrogations. I was brought back again to prison and time passed and I attempted to eat a little bit. I spewed most of it up again, I thre it up again, most of it. But little by little I recovered. I was still paralyzed in the side, so I couldn't stand up.

But I was also taken into interrogations again, and then I was confronted with other Norwegians; people I knew and people I didn't know. And the most of them were badly treated; they were swollen up, and I remember especially two of my friends; two very good persons. I had been confronted with them, and they were very bad looking for torture. And when I came back again after my prison trip I learned that they both were dead; they died from the treatment.

Another incident which I aim to tell - I hope My Lord will permit me to do it - was a person called Emil Halwuschen. He was one day - that must have been the autumn or in August or October 1943. He was a little bit swollen up and very unhappy, and he said they had treated him so bad. But he and some of his friends had been in some sort of a court where they had been told that they were to be shot the next day. They placed a sort of sentence upon them, just to set you an example.

Well, Halwuschen had naturally a headache and felt very ill, and I asked the guard to bring - the head guard, that was one person, Mr. Goetz. He came and asked what the devil I wanted. I said, "My comrade is very ill, couldn't he have some aspirins". "Oh, no," he said, "it is wasted to give him aspirin, because he is to be shot in the morning."

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Next morning he was brought out of the cell, and after the war they found him up at Trondheim together with other Norwegians in a grave there with a bullet through his neck.

Well, the Moellergata 19, in Oslo, in prison where I was for about twenty-five months, was a house of horror. I heard every night, nearly every night, people screaming and groaning, One day, it must have been in December 1942, about the 8th of December, they came into my cell and told me to dress. It was in the night. I put on my ragged clothes what I had. Now I had recovered practically. I was naturally lame in the one side, couldn't walk so well, but I could walk, and I went down in the corridor and there they placed me as usual against the wall, and I waited that they would bring me away and shoot me. But they didn't shoot me, they brought me to Germany together with heaps of other Norwegians. I learned afterwards that some few of my friends - and through friends I mean Norwegians - not exactly - we were so-called "Nacht und Nebel" prisoners, "Night and Mist" prisoners. We were brought to a camp called Natzweile, in Elsace. It was a very bad camp, I dare say.

I shall only - we had to work in a stone - yes - to take out stone out of the mountains. But I shall not tell you about - bore you about my tales from Natzweile, My Lord; I will only say that all other nations: French, Russians, Dutch and Belgians were there, and we are about five hundred Norwegians between sixty and seventy percent died, there or in other camps of concentration. Also two Danes were there.

Well, we saw many cruel things there, so cruel that they need - they are well-known. The camp had to be evacuated in September 1943. They were then brought to Dachau by Munich, but we didn't stay long there; at least, I didn't stay long there, I was sent to a command called Aurich in East Friesland, where we were about - that was an under-command of Nevengamme, by Hamburg. We were there about fifteen hundred prisoners. We had to dig panzer graves where we worked. The work was so, so, so strong and so hard, and the way they treated us so bad, the most of them died there. I suppose about half of the prisoners died by dysentery or by ill-treatment in the five, six

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weeks we were there. It was too much even for the SS, who had to take care of the camp, so they gave it up, I suppose, and I was sent from Nevengamme, in Hamburg, to a camp called Grossrosen, in Silesia; it is near Breslow. That was a very bad camp too. We were about forty Norwegians there, and of those forty Norwegians we were about ten left after four or five months.

THE PRESIDENT: You will be some little time longer, so I think we better adjourn now for ten minutes.

(A recess was taken from 1130 to 1140 hours).

THE PRESIDENT: Continue.

QUESTIONS BY M. DUBOST:

Q Will you please continue to speak to us of your passage in those camps, and speak to us specifically of what you know of the camp of Natzweiler and the role at Natzweiler of Dr. Hirtz of the medical German faculty of Strassbourg?

A Well, in Natzweiler, yes, there were also carried on experiements. Just beside camp there was a farm they called Struthof. That was pratically a part of the camp, and some of the prisoners had to work there to clean up the rooms and, well, not so often, but sometimes, on the call they were taken out. For instance, one day I remember all the gypsies were taken out, and then they were brought down to Struthof. They were very afraid of being brought down there.

Well, one friend of mine, a Norwegian called Widing, he had a job in the hospital - so-called hospital - in the camp, and he told me afterwards, the day after the gypsies were brought away down to Struthof, he said, "I tell you something", he said. They have, so far as I understand, attempted some sort of gas upon them."

"How do you know that?" I asked.

"Well, come along with me."

And then, through the window of the hospital, I could see four of the gypsies lying in beds. They didn't look well, and it was so easy to look through the glass, but they had some mucus, I suppose, around their mouths. And he told me that they had - Widing told me that the gypsies couldn't tell much because they were so ill, but so far as he understood this was gas which

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they had used upon them. There was twelve of them; and the four that were living, the other eight, so far as Widing understood, died down there at Struthof.

Well, Widing told further on, "You see that man who sometimes walks through the camp together with some others?"

"Well, I have seen him," I said.

"That is Professor Hirtz from the German University in Strassbourg."

I am quite sure Widing said that this man is Hirt or Hirtz. He is coming here now nearly daily with a so-called Commission to see those who are coming back again fron Struthof, to see the result. That is all I know about that so far.

Q How many Norwegians died at Grossrosen?

A In Grossrosen, it is not possible for me to say here exactly, but I know about forty persons who had been there, and I also know about ten who came back again. Grossrosen was a bad camp. The worst of it all was the evacuation of Grossrosen. I suppose it must have been in the middle of February, this year. The Russians came nearer and nearer to Breslau.

BY THE PRESIDENT:

Q You mean 1945?

A 1945 I mean; excuse me, 1945. One day we were placed upon a so-called "apellplatz". We were very feeble, all of us. We had hard work, little food, and all sort of ill treatment. Well, we were started to walk in parties of about two to three thousand. In the party I was with we were about 2500 to 2800. We heard so and so many when they took up the numbers.

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Well, we started to walk, and we had SS guards on each side. They were very nervous and behaved as mad persons. We saw several were drunk. Feeble as we were, we couldn't walk fast enough, and when they took their guns, the line of five and five, the line just before us--they took their guns and smashed in the heads of all five of them, and they said, "So geht es wenn man nicht"--"If you don't walk in an intelligent way see what will happen to you."

We walked the best we could, but naturally some attempted to help those who were worse off, but we were all of us so feeble it wasn't good to help them.

But at last, after six to eight hours, we came to a station, railway station. It was very cold, and we had only such striped prison clothes on and bad boots, naturally, but we said, "Oh, we are glad that we have come to a railway station. It is better to stand in a cow track than to walk in the middle of winter." It was very cold, 10 to 12 degrees, I suppose--very cold. It was a long train with open tracks. In Norway we call them sand tracks, and we were kicked at on those tracks, about 80 on each track. We had to sit so together (indicating), and on this track we sat for about five days without food--cold--without water. When it was snowing we made like this (indicating) just to get some water in the mouth, and naturally after a long, long time, it seemed to me for years, we came to a place which I afterwards learned was Dora. That is in the neighbourhood of Buchenwald.

We came there. They kicked us down from the tracks, but many were dead. The man who sat by me, he was dead, but I had no right to get away. I had to sit with a dead man for the last day, and I didn't see the ciphers myself, naturally, but about half of us were dead, getting stiff, and they told that--I heard the cipher afterward in Dora--that the cipher of dead on our track was 1347.

Well, from Dora I don't remember so much, because I was more or less dead. I have always been a man of good humor and high

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spirited, to help myself first and my friends, but I had nearly given up.

I don't remember so much before, so I had a good chance, because Bernadotte came and we were rescued and brought to Neuengamme, by Hamburg, and when we arrived there were some of my old friends, the student from Norway who had been deported to Germany, other prisoners who came from Sachsenhausen and other camps, and the few, comparatively few Norwegian "NN" prisoners who were living in very bad condition. Many of my friends are still in the hospital in Norway. Some died after coming home.

That's what happened to me and my comrades in the three and three-quarters of a year I was in prison.

I am fully aware that it is impossible for me to give details more than I have done, but I have taken, so to say, the parts of it which show, I hope, the way they behaved against all nations, and in Norway the German SS.

QUESTIONS BY M. DUBOST:

Q For what reason had you been arrested?

A I was arrested the 29th of November, 1941, in a place called Hoestboehl. That is a sort of sanitarium where you go for skiing.

Q What had you done? What was held against you?

A Well, what I had done--as most of us Norwegians we regarded ourselves to be in war with Germany in one way or another, and naturally we, most of us, were against them by feelings; and also, as the Gestapo asked me I remember, "What do you think of Mr. Quisling?" I only answered, "What would you have done if a German Officer, even a Major, when your country was in war and your Government had given an order for mobilization, he came and said, 'Better forget the Mobilization Order!?" A man can't do that with respect.

Q On the whole, did the German population know of or were

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they unaware of what went on in the camps?

A That is naturally very difficult to me to answer. But in Norway, even at that time when I was arrested, we knew quite a lot about how the Germans treated their prisoners, at least. And there is one thing I remember in Munich where I was working--I was not working, I was in Dachau for that short time. I had once to go with some others and brought to the town of Munich to go into the ruins to seek for persons and forms and things like that. I suppose that was the idea. They never told us anything, but we knew what was on. We were about a hundred persons, prisoners. We were looking like dead persons, all of us very bad looking. We went through the streets and people could see us, and they also could see what we were going to do--the sort of work which one would think was very dangerous and which should in some way help them. Some of them were hollering to us, "It is your fault that we are bombed."

Q Were there any Chaplains in your camp? Did you have the right to pray?

A Well, we had in the "NN" prisoners in Natzweiler a priest from Norway. He was, I suppose, what you call in English, Dean. He was quite a high rank. In Norway we call it "Prost." From the west coast of Norway. He was also brought to Natzweiler as an "NN" prisoner., and some of my comrades, they asked him if they couldn't meet sometimes so he could preach to them. But he said, "No, I don't care to do it. I had a bible. They have taken it from me and they joked about it and said, 'You dirty churchman.'" If you show the bible and things like that, you know--therefore, we didn't do anything in that way.

Q Those who were dying among you, did they have the assistance of religion at the time of their death?

A No.

Q Were the dead treated with decency?

A No.

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Q Was there any religious service conducted?

A No.

M. DUBOST: I have no further questions to ask.

GENERAL RUDENKO: I have no questions.

THE PRESIDENT: Has the United States?

Then does any member of the Defendants Counsel wish to ask the witness any questions?

CROSS EXAMINATION

QUESTIONS BY DR. MERKEL (Counsel for the Gestapo):

Q Witness, at your first affidavit that took place about ten days after your capture, were you heard by Norwegians or by the German Gestapo?

A It was made by two Norwegians who were belonging to, I learned afterward, the so-called State Police. That was not the police in Norway. They were working together with the Gestapo; in fact, it was the same. But it was by them I was interrogated after the ten days. But they, as I heard afterwards, usually did it in that way, because it was easy to do it in Norwegian, and some of the Germans couldn't speak Norwegian. Most of them couldn't. I think it was therefore that they took the Norwegian, and you can call them Gestapo practically. They let them handle the persons first.

Q Then in the Victoria Terrace, which I believe you used in the name of the Gestapo headquarters in Oslo, in your interrogation there were German or Norwegian officials present?

A I dare say there may have been one Norwegian as a sort of interpreter, but as I spoke the German language I can't with one hundred per cent accuracy say if there were one or two Norwegian policemen there. It is difficult. But as Victoria Terrace was the headquarters of the Gestapo, naturally they had some Norwegian Nazis to help them there. But most of them were German.

Q Were these officials who interrogated you in uniform or not?

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A During my interrogations, I have sometimes seen them in uniform, too. But when they tortured me they were most civil. So far as I remember, there was only one person in uniform during one of the torture interrogations.

Q You stated that you were then treated by a physician. Did this physician come of his own free will or was he summoned by the police?

A First time I asked for a doctor, but then I didn't get any. But at the time when I came back to myself, when I was supposed perhaps to be dead, the guard possibly had been looking at me, because he was then running away, and afterwards they came with a doctor.

Q Did you know that in concentration camps in Germany there was an absolute prohibition against speaking about what went on in the camps, and that offenses against this prohibition were punished most strictly?

A Well, in the camps it was like that it was naturally more or less understood that it was more or less forbidden to talk about the tortures we had gone through, but naturally we in the camps, the Nacht and Nebel Camps where I was, the situation was so bad that even torture sometimes seemed to be better than dying slowly away like that, so the only thing we spoke about nearly was "when shall the war end; to help our comrades; and are we to get some food tonight or not."

DR. MERKEL: Thank you.

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THE PRESIDENT: Does any other Defendant's Counsel wish to ask any questions? Mr. Dubost, have you anything you wish to ask?

M. DUBOST: I have nothing further to ask, Mr. President.

THE PRESIDENT: Then the witness may retire.

M. DUBOST: If the Tribunal will permit, we will now hear a witness, Roser, who will give a few details and the conditions under which they kept in reprisal camps French prisoners of war.

THE PRESIDENT (To the witness): What is your name?

THE WITNESS: Paul Roser.

THE PRESIDENT: You swear to speak without hate nor fear, to state truth, all the truth, only the truth? Raise your right hand and say "I swear."

(The witness raises his right hand and repeats the oath in French).

DIRECT EXAMINATION

QUESTIONS BY M. DUBOST:

Q Your name is Paul Roser, R-O-S-E-R?

A R-O-S-E-R.

Q You were born on the 8th of May, 1903? You are of French nationality?

A I am French.

Q You were born of French parents?

A I am born of French parents.

Q You were a prisoner of war?

A Yes.

Q You were taken prisoner in battle?

A Yes; I was.

Q In what year?

A 14 June 1940.

Q You sought to escape?

A Yes; several times.

Q How many times?

A Five times.

Q Five times. You were transferred finally to a disciplinary camp? Will you indicate the regime of such camp -- you will indicate your rank, and

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you will indicate the treatment to which you were exposed, to people of your rank in those disciplinary camps, and for what reasons?

A I was an aspirant in France: it is between a Top Sergeant and Second Lieutenant. I was in several disciplinary camps. The first was a small camp which the Germans called Strafkommando, in Lindberg, near Hanover. It was in 1941. There were thirty of us.

During my sojourn in that camp, during the summer of 1941, we attempted to escape once again. We were recaptured by our guards at the very moment when we were leaving the camp. We were naturally unarmed. The first among us --

THE PRESIDENT: You are going too fast for us to follow you. Now continue more slowly, please.

A (continuing) Very well.

The Germans, our guards, having recaptured one of us, attempted to make him reveal who the others were who also sought to escape. The man remained silent. The guards hurled themselves upon him, beating him with the butts of their pistols in the face and with bayonets -- with the butts of their rifles. At that moment, not wishing to let our comrade be killed, several of us stepped forward and revealed that we sought to escape. I then received a beating with bayonets applied to my head and I fell into a swoon. When I recovered consciousness one of the Germans was kneeling on my leg and was conti[illegible]ue. Another one, raising his gun, was seeking to strike [illegible]t occasion through the intervention of my comrades, [illegible]n the Germans and myself. That night we were [illegible]ctly with butts of rifles, with bayonet blows and [illegible]e face. I lost consciousness three times.

[illegible] we were taken to work, nevertheless. We were [illegible]ting of the marshes. It was a very hard sort [illegible].30 in the morning to be completed at 6 o'clock at [illegible]ops, each of a half hour. We had nothing to eat during [illegible] soup was given to us when we came back at night with a piece of b[illegible]d a small piece of sausage or two cubic centimeters of margarine and that was all.

Following our attempted escape, our guards held back from us all the

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parcels which our families sent to us for a whole month. We could not write nor could we receive our mail.

At the end of three and a half months in September, 1941, we were shipped to the regular Kommandos. I, personally, was quite ill at that time and I came back in Stalag XO B at Sandbostel.

Q Why were you subjected to such special regime, although you were an officer?

A Definitely because of my attempted escape.

Q Had you accepted to work?

A No, not at all. Like all my comrades of the same rank and like most of the non-commissioned officers and like all Aspirants, I had refused to work, invoking the

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prescription of the Geneva Convention, which Germany had signed and which prescribed that non-commissioned officers who were prisoners cannot be forced to perform any labor without their own consent. The German Army, into whose hands we had fallen, practically speaking, never respected that engagement taken by Germany.

Q Are you familiar with executions that took place in Stalag 10B?

A I was made familiar with the death of several French prisoners or Allied prisoners.

Specifically at Oflag 27 in Grossborn in Pomerania, a French Lieutenant Robin, who had prepared with some of his comrades and escape and for that purpose had dug a tunnel, was killed in the following manner. The Germans, having had knowledge of the tunnel which had been prepared, Captain Buchmann, who was a member of the Officers' Staff of the camp, watched for the exit of the would-be escapees with a few German guards. Lieutenant Robin, who was first to emerge, was killed with one shot while obviously he could not in any manner attack anyone whatsoever or defend himself.

Other cases of such character occurred. One of my friends, a French Lieutenant Ledoux, who was sent to Graudenz Fortress, where he was exposed to a detentionary regime, saw killed his best friend, a British Lieutenant Anthony Thompson, by Hauptfeldwebel Oesterreich with one shot of a pistol in the neck in their own cell. Lieutenant Thompson had just sought to escape and had been recaptured by the Germans on the airfield. Lieutenant Thompson belonged to the RAF.

I should like to also state that in the camp of Ravaruska in Galicia, where I spent five months, several of our comrades --

Q Would you tell us why you were at Ravaruska?

A In the course of the winter '41-'42, the Germans were seeking to intimidate the non-commissioned officers who were refractory labor; secondly, those who had sought to escape, and third, the men who were being employed in kommandos and who were caught in the act of performing sabotage. The Germans warned us that from 1 April, 1942 onwards all these escapees who could be recaptured would be sent to a camp, a special camp called a "punishment camp" at Ravaruska in Poland.

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It was following a French attempt to escape, that I was with about two thousand Frenchmen taken to Poland. I was at Lindberg an der Lahn, Stalag 12A, where we were regrouped and placed in cars, railway cars. We were deloused -- no, I beg your pardon -- we were stripped of our clothes, of our shoes, of all the food which some of us could have kept. We were placed in cars, where the number varied from 53 to 56. The trip lasted six days. The cars were open generally for a few minutes in the course of a stop in the countryside. In six days we were given soup on two occasions only, once at Oppeln and the soup was not edible and another time at Jaruslow. We remained for thirty-six hours without anything to drink in the course of that trip and we had no receptacle with us and it was impossible to get a provision of water.

When we reached Ravaruska on 1 June, 1942, a Monday, we found other French prisoners, most of them French, who had been there for several weeks, extremely discouraged, with a ration scale much inferior to anything that we had witnessed until then and for no one had any parcel from their families or from the International Red Cross been issued.

At that time there were about twelve to thirteen thousand in that camp. There was for that total number one single faucet which furnished for several hours a day undrinkable water. This situation lasted until the visit of two Swiss doctors, who came to the camp in September, I think. The billets consisted of four barracks. The small rooms contained as many as six hundred men in the room. We were stacked, so to speak, on tiers along the walls, three rows of them, thirty to forty centimeters for each of us.

During our stay in Ravaruska there were many attempts at escape, more than five hundred in six months. Several of our comrades were killed. Some were killed at the time when a guard would notice them. In spite of the sadness of such occurrences, no one of us contested the rights of our guards in such cases but several were murdered. In particular, on the 12th of August, 1942, in the Tarnopol Kommando, there is the case of soldier Lavest. He was found bearing several evidences of shots and several large wounds caused by bayonets.

On the 14th of August in the Werschinek Kommando, ninety-three Frenchmen, having succeeded in digging a tunnel, escaped the following morning. Three of them, Konneaux, von dem Busch and Poutrelle, were caught by German soldiers, who were seeking them, who were searching for them. Two of them were sleeping. The third, Poutrelle, was not sleeping. The Germans, a corporal and two enlisted men, verified the identity of the three Frenchmen. Very calmly they told them: "Now we are going to kill you. We are obliged to kill you." The three wretched men invoked their families, begged for mercy. The German corporal gave the following reply, which we heard only too often: "An order is an order", and they shot down immediately two of the French prisoners, von dem Busch and Konneaux. Poutrelle left like a madman and by sheer luck was not caught again. On the other hand, he was captured a few days later in the region of Dragout. He was then brought back to Ravaruska proper, where we saw him in a condition close to madness.

On the 14th of August, once again in the Streich Kommando, a team of about twenty prisoners accompanied by several guards, were on their way to work.

Q Excuse me -- you are talking about French prisoners of war?

A Yes, French prisoners of war, so far.

Going along a wood, the German non-commissioned officer, who for sometime was persecuting two of them, Perrel and Don Viella, took them into the woods. A few moments later the others heard shots. Perrel and Don Viella had just been killed.

On the 20th of September at Strieb once again, a Kommando was at work under the supervision of German soldiers and of civilian gang leaders, they were German civilians. One of the Frenchmen succeeded in escaping. Without waiting, the German non-commissioned officer selected two men. If my memory serves me, their name was Saladan and Dubeuf and he brought them down on the spot.

Incidents of this type occurred in other circumstances. The list of them would be long indeed.

Q Can you speak concerning the conditions under which the refractory non-commissioned officers, who were with you at camp, lived?

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A The non-commissioned officers who refused to work were grouped together in one section of the camp, in two of the large stables, which were used for billeting prisoners. They were subjected to a regime of oppression that was most severe; frequent roll-call for assembly; gymnastics up and down -- that type of gymnastics which after you performed it for a while leaves you quite exhausted.

One day, Sergeant Corbionne, having refused to Captain Fournier - a French name for a German captain -- having refused to pick up a tool to work with, the German captain made one gesture and one of the German soldiers who were with him pierced this man through with his bayonet, that is Corbionne. He escaped death by a miracle indeed.

Q Hon many were their missing?

A At Ravaruska, in the five months that I spent there we had the burial of sixty of our friends who died from disease or who were killed in attempted escapes. But so far, 100 of those who were with us and who sought to escape there have not been found again.

Q Is this all that you have witnessed?

A No. I should say that our sojourn at the punishment camp Ravaruska involved one thing more awful than what we, as prisoners, have seen and endured. We were obsessed by what we knew was taking place all about us. The Germans had transformed the area of Lindberg Ravaruska into a sort of immense ghetto. In that area there had been brought, where the Isrealites were already quite numerous, the Jews from all the countries in Europe. Every day for five months, except for an interruption of six weeks approximately, in August and September, 1942, we have seen passing about 150 meters from our camp, one, two and sometimes three trains made up of freight cars, in which there were crowded men, women and children. One day, a voice coming from one of these cars shouted: "I come from Paris. We are on our way to the slaughter."

Quite frequently comrades who came out of the camp to go to their tasks would find corpses along the railway track. We knew in a vague sort of way at that time that these trains stopped at Belsac, which was located about seventeen kilometers from our camp and at that point they carried

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out the execution of these wretched people by employing means of which I am ignorant.

One night in July, 1942, we heard shots of machine guns throughout the night. We heard moans and shouts of women and children. The following morning bands of German soldiers were going through the rye plantations on the very edge of our camp with their bayonets pointed downwards, seeking people in hiding in the fields. Those of our comrades who went out on that day to go to their tasks told us that they saw corpses everywhere in the town, in the gutters, in the barns, in the houses. Later some of our guards, who had participated in this operation, quite good-humoredly explained to us that two thousand Jews had been killed that night under the pretext that two SS had been murdered in the region.

Later on, in 1943, during the first week of June there occurred a program which in Lemberg caused the death of thirty thousand Jews. I was not personally in Lemberg but several military French doctors, Major Bigaille of the French Medical Corps, Lieutenant Vegin of the French Medical Corps, related to me the events.

THE PRESIDENT: The witness appears to be not finishing and therefore I think we had better adjourn now until two o'clock.

(Whereupon at 1250 hours the Tribunal recessed until 1400 hours on the same day.)

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Official transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, defendants, sitting at Nurnberg, Germany, on 29 January 1946, 1400-1700, Lord Justice Lawrence presiding.

MARSHAL OF THE COURT: I desire to announce that the defendant Kaltenbrunner will be absent from this afternoon's session on account of illness.

M. DUBOST: With the permission of the Tribunal, we will continue hearing the witness, Mr. Roser.

Mr. Roser explained to us this morning conditions in which he witnessed the pogroms.

(Further examination by M. Dubost)

Q Will you, from your personal observation, tell us about another pogrom where you stated a German soldier, before you, made a statement which you related to us?

A At the end of 1942 I was taken to Germany, and I had the opportunity of meeting with a French doctor, the chauffeur of the German physician in the infirmary where I was at that time. This soldier, whose name I have forgotten, said the following:

"In Poland--" in a city the name of which I have also forgotten--"a sergeant from our regiment went with a Jewish woman. A few hours later, they found her dead. Then," said the German soldier, "They called the whole battalion to come out. Half of the forces were put in a cordon around the Ghetto, and the other half--two companies, of which I was a member--went into the houses and threw out of the windows pellmell the furniture and the people who were living in those rooms." The German soldier completed the story by these words: "Ach, Mensch, Schrecklich war es." We said, "How could you do such a thing?" He replied, "Befehl ist Befehl."

This is an example which I wish to state.

Q You began to allude in talking about Ravaruska to the treatment which was given to the Russians.

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A Yes. That is correct. The first French detachment which arrived at Ravaruska the 14th or 15th of April, 1942, came after a group of 400 Russian war prisoners, who were the survivors of a detachment of 6,000 men who had died of typhus. The few medicants which the French found when they arrived in Ravaruska came from the infirmary of the Russian prisoners. That included a few aspirin tablets and different medicines which were of no value in caring for typhus. The camp was not disinfected after the Russian typhus patients left and we came.

I can not speak here of these wretched survivors of Ravaruska without asking the Tribunal for permission to describe the terrible picture which all the French prisoners saw in the stalags in Germany in the autumn of 1941, which we all saw when the first Russian prisoners arrived.

For me, it was a Sunday afternoon that I witnessed this, a spectacle which was like an hallucination. The Russians arrived in columns of five, holding each other up by the arm, for none of them was strong enough to stand up alone. The looked like walking skeletons. That is the only expression that I can use. We saw afterwards photographs of concentration camps and dead persons in them. Those unfortunate persons looked in 1941 like the people we saw later in the pictures. The skin of their faces wasn't yellow; it was green. Almost all squinted, not having the strength to keep their optical equipment in proper order.

The Germans rushed on them and beat them with ships, with the butt of guns. As it was Sunday afternoon, the French prisoners were allowed to walk around within the camp. Seeing that, all the French began to scream, and the Germans made us go into the barracks.

The typhus spread immediately in the Russian camp, which became in the number of 10,000 in the month of November, and there were only 2,500 in the month of February.

These figures are certain. I have them from two sources, an official source and an unofficial source, which was from the cook in the camp, in the kitchens. There was a chart on which the Germans wrote out the rations which were to be given to the forces that were there. The number of Russians decreased each day by 80 or 100.

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On the other hand, French comrades worked in the offices of the camp for prisoners who entered the camp, and they had the figures. The figure of 2,500 of those who survived in February is the same as that which we found in the kitchen.

In Ravaruska I had the opportunity of seeing French prisoners from all parts of Germany. All those who were in the stalag in the camp at that time saw the same thing. The Russian prisoners were put in a common grave. Some of them were not even yet dead. Dead and dying were then simply dragged from the barracks and thrown into the common grave.

In the early days we saw bodies in carts, but as the German commander of the camp didn't find it agreeable to see French prisoners who could observe the Russian prisoners who died, they covered them subsequently.

Q Your accounts were then supervised by the German Army or by the SS?

A By the Wehrmacht. Only by the Army. I was never supervised by any except the German Army.

Q One last question. You successively were a prisoner in a number of prisoner of war camps in Germany?

A Yes.

Q In all of those camps, were you able to practice your religion?

A In the camp--

Q What is your religion?

A I am a Protestant.

In the camps themselves where I was in general, they authorized the Protestants and Catholics to practice their religion, but the work commanders--For instance, in the agricultural commando in my block, where there was a Catholic priest--there were about 60 of us in this commando--this Catholic priest could only say the mass. They did not permit him to.

Q Who prevented him?

A The Germans.

Q German soldiers?

A Yes, German soldiers.

M. DUBOST: I have no more questions to ask the witness.

THE PRESIDENT: Does the British Prosecutor wish to ask any questions?

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THE BRITISH PROSECUTOR: No.

THE PRESIDENT: Or the United States?

THE AMERICAN PROSECUTOR: No.

THE PRESIDENT: Do any of the Defense Counsel wish to ask any questions?

(Cross examination by Dr. Nelte, Counsel for the defendant Keitel.)

Q Witness, when were you imprisoned?

A I was prisoner from the 14th of June 1940.

Q In which camp for prisoners of war were you put?

A I was sent immediately to Oflag, 2 D, in Grossrosen, Prommerania.

Q You were in a camp?

A Yes, I was.

Q What orders were made known to you in the prisoner of war camp regarding a possible escape?

A They notified us that they would shoot at us; that we must not try to escape.

Q Do you believe that these announcements were in agreement with the Geneva Convention?

A Yes, those certainly.

Q You mentioned a case, if I heard correctly, of Robert from Stalag 2 D, Oflag 2 D. You said that there was an officer that fled the camp, and that this officer, because he was the first who escaped through the tunnel and gained his freedom, was shot. Is that right?

A Yes, I said that.

Q Were you with these officers who tried to escape?

A No, I said a while ago that this was told to me by a Lieutenant who was then in Oflag 2 D before I arrived.

Q I understood that. I just wanted to ascertain that this officer, Robert, found his death in flight, in his escape.

A Yes, but here I would like tp point out two things. One thing: All the war prisoners who escaped knew they risked their lives. Each of us, when we made such an attempt to try to escape, knew that we were risking getting shot, but one thing: We might be killed in the barbed wire when we tried to cross it,

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but it is another thing to have them lie in ambush for you and murder you when you can do nothing, when we are at the mercy of a man and have no arm, and this Lieutenant, he was in a puddle, and a very low puddle. He was flat on his stomach. He was crawling along, and he couldn't escape then. That wasn't international law there when he was shot.

Q I understood you, and you may rest assured that every prisoner of war who tried to do his patriotic duty I would congratulate. Here in this case, where you were not present, I would like to make the point clear that the possibility certainly existed that this first

H0047-0042

brave officer who left the tunnel did not answer the calling of the guards and was shot as a result of that. You gave a vivid description of the incident, but I believe that was a product of your imagination because, according to your own testimony, you were not present yourself; is that correct.

A. No, no. There are not 36 different ways of coming out of a tunnel. You are flat on your stomach. You crawl, and when you are killed before you get out of the tunnel, then you must be killed flat on your stomach.

THE PRESIDENT: We don't want argument in cross examination.

The witness has already stated that he was not there and didn't see it, and he has explained the facts.

DR. NELTE: Thank you.

Q. The incident of Lt. Thompson is not entirely clear to me. In this case also, I believe you said that you were not personally informed, but informed through a friend. Is that correct?

A. I only repeat what I said a while ago. I related the story of a French Lieutenant, Ledoux, who told me that he was at Rausen, in the fortress.

This English officer, Thompson, escaped from the fortress. He was recaptured on the airfield, brought back to the fortress, put into the same cell as Lt. Ledoux, and Ledoux saw him killed by a revolver shot in the back of the neck. Ledoux gave me the names of the murderers, Hopfeldt and Leipzig. That is the story which was told by a witness.

Q. Did Hopfeldt-- Was he a guard at the camp; to what division did he belong?

A. I don't know. I can't answer that question.

Q. Do you know that you, as a prisoner of war, can make a claim?

A. Certainly, I knew personally the Geneva Convention.

Q. Did you know that you had the possibility of making a claim through the commandant? Did you make use of this privilege?

A. I tried, myself, without success.

Q. May I ask what the name was of the commandant who did not hear your complaint?

A. That I don't know, but I can tell you what happened when I tried to escape.

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Q. Please.

A. Strafkommando of Lindberg -- This commander came from 10 C Stalag. After the night which I related a little while ago, during an attempted escape which failed, we were beaten for three hours successively. The following day a certain number of us were kept at the commando. We saw then the immediate superior of the Chief of the Command, an Oberleutnant, whose name I do not know, who saw that we were wounded, covered with wounds on our heads particularly, and he found that it was very fine. That evening we went to work. We came back at 7:00 o'clock. We received a visit of a mayor, who was a very distinguished man, who also found that since we had tried to escape, that it was quite just that we be punished, so my complaint didn't go much further, sir.

Q. Did you know that the German Government, with the current Vichy Government, had an agreement regarding prisoners of war?

A. Yes, I have heard of that, but they didn't inspect that kind of commando camp.

Q. Therefore, you wish to say that the visit of the people who were authorized did not apply to labor commandos?

A. The visits took place at the work commando, but not in the reprisal commando where I was. That is the real difference.

Q. You were not always in the reprisal commando?

A. No.

Q. And when were you put into this punishment commando?

A. Quite long before Ravaruska, April 1941, for the first time. It was a commando where they sent, without any motive, only the priests and officer candidates. We received no visits there.

The strafkommando at Lindberg -- nobody visited that camp either. There was no inspection. At Ravaruska we received a visit of two Swiss physicians in September.

Q. September, '42?

A. Yes, '42.

Q. Did you complain to the Swiss physicians?

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A. Not myself personally, but some people were able to talk to them.

Q. And were there any results?

A. Yes, certainly.

Q. Don't you believe that the way to complain might have been successful to complain through the commandant if you had wished to do so?

A. We had no very friendly relations with the general commander at Ravaruska?

Q. I don't quite understand you.

A. I said that we had no friendly relationship with the German commander of the camp at Ravaruska.

Q. We are not concerned with the question of cordial relations, but an official, formal visit, which could have been conducted in such a way. Don't you believe that?

A. To present a complaint would seem to have some relationship with somebody, if we could present a complaint.

Q. When did you leave Ravaruska?

A. The end of October, 1942.

Q. If I remember correctly, you gave the number of victims that were counted or observed by you. You gave that number, is that correct?

A. Yes.

Q. How many victims were there?

A. There was a figure that was given to me by Dr. Levin, who was a French physician at Ravaruska. About 60 I said in the camp itself, to which I must add about 100 who disappeared.

Q. The German Defense can't hear. Would you be kind enough to repeat the last few statements about the number of victims?

A. Yes. I said that there were about 60 dead for the camp of Ravaruska, at the time when I was there.

Q. Are you talking about French victims, or in general?

A. At Ravaruska there were hardly any nationalities except French -- a few Poles and a few Belgians.

Q. I am putting the question for this reason: An official French report, which I have with me, from 15 July 1945, gave the number of victims until the

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end of July as 14. That is 14 Frenchmen according to the official French report, and for the period of time, August to September. The number that you gave seems to be quite high.

Thank you.

THE PRESIDENT: Does any other German counsel want to put any questions to this witness?

(No response.)

THE PRESIDENT: M. Dubost?

M. DUBOST: I have finished with this witness, Mr. President.

If the Tribunal will permit me, we will now come to a last witness.

THE PRESIDENT: One moment.

M. Dubost, the witness can retire.

Could you tell the Tribunal whether the witness you are about to call is going to give us any evidence of a different nature from the evidence which has already been given? You will remember that we have in the French document, of which we shall take judicial notice -- a very large French document - I forget the number -- 321, I believe it is -- 321 -- We have a very large volume of evidence on the conditions in concentration camps. Is the witness you are going to call going to prove anything fresh?

M. DUBOST: The Witness whom we have called is going to submit direct testimony on a certain number of experiments which he saw. He will submit certain documents.

THE PRESIDENT: Are these experiments about which the witness is going to speak all recorded in these, in the book 321?

M. DUBOST: They are quoted, but they are not given the importance that the French presentation gives concerning direct testimony. We will not read all of these documents if it will be permitted to introduce direct testimony. Once these witnesses have been heard, we will then be able to skip over a number of documents.

THE PRESIDENT: You may call the witness, but try and not let him be too long.

M. DUBOST: I shall do my best, Mr. President.

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(Witness takes the stand)

THE PRESIDENT: What is your name?

THE WITNESS: Alfred Balachowsky.

THE PRESIDENT: Are you French?

THE WITNESS: French.

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THE PRESIDENT: Will you take this oath? Do you swear to speak without hate nor fear, to say the truth, all the truth, only the truth? Raise your right hand and swear.

THE WITNESS: I swear.

THE PRESIDENT: You may sit if you wish.

(Examination by M. Dubost)

Q Your name is Balachowsky, Alfred B-a-l-a-c-h-o-w-s-k-y?

A That is correct.

Q You are chief of the Pasteur Laboratory in Paris?

A That is correct.

Q You reside in Viroflay; you were born 15 August 1901 at Kurutcha in Russia?

A That is correct.

Q You are French?

A Yes. Russian by birth, French through nationalization.

Q What year were you naturalized?

A 1932

Q Were you deported 16 January 1944?

A I was arrested 2 July 1943, and after six months in prison at Rheims and Compiegne.

Q You then went to the camp of Dora?

A That is correct.

Q Can you rapidly tell us what you know about the camp of Dora?

A The camp of Dora is situated five kilometers north of Mauthausen in the Suedharzgebiet in Germany. This camp was considered by the Germans as a secret commando. That is to say, a Geheimkommando, where prisoners consequently were interned. They were not permitted to leave.

This Geheimkommando or secret commando had for a purpose to manufacture the V-1's and V-2's, Vergeltungswaffen, torpedoes, which the Germans shot at England. That is why Dora was a secret commando.

This camp was divided into two parts. One was the outer part, which included a third of the total number of persons employed in the camp, and two-

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thirds of the persons were concentrated in the subterraneum factory. Dora was a subterraneum factory for the manufacture of V-1's and V-2's.

I arrived in Dora 10 February 1944, coming from Buchenwald.

Q Let's slow up please. You arrived, coming from Buchenwald, at Dora 10 February 1944?

A In the period when life in the camp of Dora was particularly painful and hard. We left 10 February in a truck - 73 men in a large German truck. In the front part it had four SS guards. We could not squat, since we were too numerous. Every time that a man lifted his head, he received a blow with a butt of a gun. On many of these convoys, which lasted four hours, several persons were wounded during the convoy.

When we arrived at Dora, we spent about a whole day and night without food in the cold, in the snow, and had to undergo all the formalities of being registered in the camp, filling out forms, innumerable forms, and so on.

In comparison with Buchenwald it was quite different. There were numerous changes in Dora. For the general management, Dora was entrusted to a special category of prisoners who were criminals. These were criminals who were our block leaders, criminals who distributed the food, criminals who looked after us. These criminals were distinguished by a green triangle, and the political prisoners had a red triangle. It was a green triangle on which was written in black the letter "S". We called them the "S", that is to say, criminals who had been condemned by German tribunals before the war for crimes, but once their punishment had been completed, instead of being sent home, these criminals were sent for life to concentration camps to make up the personnel, to look after other prisoners. This category of criminals served as personnel.

THE PRESIDENT: You are going too fast; please slow down.

A (Continuing) These criminals with the green triangles were people who had social vices; sometimes they would have 15 years in prison, and afterwards five or ten years in concentration camps. These social outcasts had no hope, they never had any hope, of leaving the concentratration camps. These criminals, thanks to the collaboration which they had with the SS

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management of the camp, were able then, through this collaboration, to embark upon a career. Their career consisted of stealing and pillaging from the other prisoners, and in obtaining from other prisoners the maximum labor or work output required by the SS.

They beat us from morning until night. We got up in the morning at 4 o'clock. We had to get up in five minutes. We were in subterranean dormitories. We were piled together, without ventilation, in a vicious atmosphere. In a block about as large as this room where we are at present, we found 3,000 or 3,500 prisoners. There were five stories of rotten straw mattresses, which were never freshened or renewed. In five minutes we had to get up, and so we went to bed completely dressed. We were hardly able to sleep, however, for at night there was a continual going and coming. Thefts of all sorts took place in the night among prisoners, and consequently it was not possible to sleep. Also, it was not possible to sleep because we were covered with lice. In all the camp of Dora the vermin swarmed. It was practically impossible to get rid of the lice.

In five minutes we had to get into the tunnel --

THE PRESIDENT: Just one minute, please.

M. Dubost, you said you were going to call this witness upon experiments. He is now giving us all the details of these camp lives which we have already heard on several occasions.

M. DUBOST: No one has ever spoken of Dora, Mr. President.

THE PRESIDENT: But every camp we have heard of has got the same sort of brutalities, hasn't it, according to the witnesses who have been called?

You were going to call this witness because he was going to deal with experiments.

M. DUBOST: If the Tribunal is persuaded that all the camps had the same regime, then the witness will proceed to tell about the experiments. However, I wanted to show that in all German camps where civilians were interned the regime was the same. That is what I want to prove.

THE PRESIDENT: If you were going to prove that, you would have to call a witness from every camp, and there are hundreds of them.

M. DUBOST: This question must be proved because this is what is going to prove the prosecution of the defendants so far as each camp is concerned. In every camp there was one person who was responsible. We are not judging the chief of the camp, but the person who was his superior.

THE PRESIDENT: I have already pointed out to you that there has been practically no cross-examination, and I have asked you to confine this witness, so far as possible, to the question of experiments.

M. DUBOST: The witness will then restrict himself to experiments.

The French Prosecutor will consider, then, that the uniformity of treatment of prisoners in all camps is proved.

BY M. DUBOST:

Q Will you go now to the criminal experiments which the SS Medical Corps was concerned with in camps, criminal practices which took the form of scientific experiments?

A I was called to Buchenwald the 1st of May, 1944, and assigned to Block 50, which was, in fact, a factory for the manufacture of vaccines against typhus, the ordinary typhus. I was called from Dora to Buchenwald, and that was done because, in the meantime, the directors of

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the camp had learned that I was a specialist in this sort of scientific research, and consequently they wished to utilize my services within Block 50 for the manufacture of vaccines. However, I was absolutely ignorant of this measure until the very last moment.

I became acquainted with Block 50 on the 1st of May, 1944, and I remained there until the liberation of the camp on the 11th of April, 1945.

Block 50 was the block where they manufactured vaccines, which was directed by Sturmbannfuehrer Schuler, that is to say, a Physician Sturmbannfuehrer, having the rights, consequently, of a Commander-SS, who directed this block and had the responsibility for the manufacture of vaccines. This same Sturmbannfuehrer Schuler also directed another block in the camp of Buchenwald. This other block was Block 46, the famous block for experiments, the famous block where they interned men to utilize them as guinea pigs.

The secretary of Block 46 and of Block 50 was a common secretary in the Geschaeftzimmer. Consequently, all the archives and files, all the forms and files of experiments, all the correspondence, all the decisions relating to Block 46, the block of experiments, and relating to Block 50, were put in the Geschaeftzimmer, in the General Secretary's office of Block 50.

The secretary of Block 50 was a political person, an Austrian, my friend, Eugene Kogen, for seven years imprisoned. Eugene Kogen and a few other comrades had, consequently, the opportunity of looking through all the archives of which they had charge. Therefore they could know, from day to day, exactly what went on either in Block 50 or in Block 46.

Personally I could see most of the archives and records of Block 46; and even the record books of the experiments in Room 46 were saved. We have them; they are in our hands. They were given

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to the Psychological Service of the American Forces. Consequently we have, from these record books, the total number of experiments which were made in Block 46.

Block 46 was created in October 1941 by a supreme committee coming from the Higher Service of the Waffen SS, and we saw, in its Administrative Council, a certain number of names for Block 46, under Section 5 of the Hygiene Service of Leipzig, the supreme leadership of the Waffen SS, those responsible for this section. The inspector was Oberstfuehrer Mugrowski of the Waffen SS, but the Administrative Council who created Block 46 was composed of the following personages: Dr. Gaenschen, Obergruppenfuehrer, the highest grade in the Waffen SS, Dr. Poppendick, Gruppenfuehrer of the Waffen SS. We also saw associated with these names Dr. Handloser of the Wehrmacht, of the Military Academy of Berlin, who was also associated with the creation of this experimental block.

Consequently in this Administrative Council there were SS and there was also the name of Dr. Handloser.

The experiments themselves were conducted by Sturmbannfuehrer Schuler, but all orders and all kinds of experiments, which I shall speak of briefly to you, were ordered by Leipzig, by the General Management, by the head of the Scientific Research Section of the Waffen SS of Leipzig. There was no personal initiative then on the part of Schuler, and no personal initiative on the part of those in charge of the camp so far as the experiments were concerned, for all these experiments were authorized from a higher echelon, from the Supreme Command in Berlin.

Among these experiments, which we could follow step by step by the results, by the registrants, by those who came into the block and those who left the block, there were first numerous experiments on the ordinary typhus, secondly, experiments on burns, on phosphorus burns. There were also experiments on sexual hormones. Fourth, there were experiments on the exanthema of avitaminosis.

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In the fifth place I can tell you of experiments of a medical, legal nature. So we have five different types of experiments.

Q The humans who served as subjects in these experiments, were they volunteers or not?

A The humans who served for these experiments were recruited, not only in the camp of Buchenwald, but outside of the camp. They were not volunteers. They were ignorant, most of them, of the type of camp it was. Until they came to Block 46 they did not know that they were to serve as subjects for experiments. This recruitment was carried out among criminals, of which they wished to eliminate a number in this way. But the recruitment was also carried out among political prisoners, and I should also add that this recruiting for Block 46 was also among war prisoners, Russian war prisoners.

I must say that among the political prisoners who were used for experimental purposes at Block 46 the Russians were always in the majority. There were a greater number of Russians, for the following reasons, because the Russians, of all the prisoners who came from any concentration camps, were those who had the greatest physical resistance; their physical resistance was clearly superior to that of the French or the people of Western Europe. They had a resistance to hunger, a resistance to ill-treatment, a physical resistance of every kind.

Consequently, and particularly because of their powers of resistance, these political Russian prisoners were recruited more for the experiments than other prisoners. Nevertheless, there were people of other nationalities among these prisoners, notably French.

I would now like to come back to the details concerning these experiments.

Q Don't give us too detailed answers, because we are not technicians. We merely want to know that these experiments were carried out without any interest in humanity. Will you please tell us, in simple language, how these experiments were carried out?

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A The experiments which were conducted in Block 46 were experiments which had a medical purpose, but most of them served no useful end. Consequently we can hardly call them experiments. The men served particularly as controls, or as verification for the medicine, for the poison, for the strains, and so on.

For example, on the question of the vaccine against typhus, for the manufacture of this vaccine they had to have different strains. That was not indispensable. In normal researches, in the Pasteur Institute and in different institutes in the world, there are always typhus patients which we can use for our research. However, here the case was quite different.

In Block 46 we were able to find out from the information in the record, according to the chart which we had under observation, twelve different strains of typhus bacteria, which were marked by the letters "BU." There was a number 1-BU, number 2-BU, and so on, up to BU-12.

These twelve strains of typhus were propagated and kept as a permanent strain in Block 46 by being handed from one patient who was dying to a healthy patient. In this artificial way, through intravenous injections from zero-five to one cubic centimeter of virulent blood, which was taken from a man who was dying and given to a healthy man, we know quite well that this form of innoculation of typhus--artificial, through intravenous injections--is invariably fatal.

Consequently, every person who serves to keep up these strains--during the whole period when these strains were utilized, from October 1942 until the liberation of the camp, all men who were subjugated to these injections died, and we were able to verify and note that there were more than 600.

Q They literally murdered them, didn't they, to keep up the strain?

A They literally murdered these individuals just to keep

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these strains of typhus up. Also there were experiments on the curative or therapeutic value.

(A document was submitted to the Tribunal.)

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Q What is this document?

A The document which you have is the document which gives you the record of the typhus strain.

Q This document was brought by you from the camp?

A Yes, I brought this document from the camp, and I got it from the data in Block 46; from the records of Block 46 I got these data.

Q This document is the one you handed to me?

A This document I handed to you, but today we have a document which is still more complete, which is in the hands of the American Psychological Service. They have all the data. This is only one page of the data.

M. DUBOST: I ask the Tribunal to re cognize that the French Prosecution submits this document under the number 364.

A (continuing) In August 1944, they made an experiment on the therapeutic value of the vaccine. One hundred and fifty men lost their lives in that experiment.

The vaccine which was used by the German Army was not only manufactured in Block 46. We had vaccines which came from Italy, some from Denmark, vaccines from Poland, and the Germans wanted to find the respective value of these different vaccines. Consequently they made experiments on the 150 men in the month of August, 1944,who were in Block 46.

I should like to say how Block 46 functioned. Block 46 was a block which was entirely closed and surrounded by barbed wire. Those in Block 46 had to present themselves at no roll call; they never went out of the block. All the windows were closed, and all the windows were covered with some type of paint.

A German prisoner was in charge of the block. This German political prisoner was Kapo Dietsch, the leader of the block. Kapo was a social outcast who had been in prisons and in camps for 20 years. He carried out the material work of the SS. He injected or inoculated, and he was the one who killed, on order, the prisoners.

There was an extraordinary thing in this block. There were automatic pistols, and hand grenades, so they could handle any revolt which might come from outside, or which might come from within the block.

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I can also tell you that in an order concerning Block 46, which was sent to Block 50, in the month of January, 1945, we found that there were three episodes of force used to master those who did not want to be injected.

Now I come back to the experiments on typhus, on the vaccine, and how these experiments were carried out. The 150 prisoners were split into two groups; 75 were controls and the others were to be experimented on. Only those who were subject to experiments received the vaccine. That is, only 75 received this vaccine; the controls received no vaccine whatsoever, they were not vaccinated.

After vaccination of the 75 who were the subjects of the experiment, they inoculated, in an intravenous fashion, all the men who were connected with this experiment, subjects and controls. Fifteen days after this inoculation the controls died, at the approximate time for one inoculated with typhus to see his final hour arrive. As for the others, who received different kinds of vaccines, they died at varying lengths of time, proportionate to the value of the vaccine which they had received. Some kinds of vaccines gave an excellent result and there was a very slight mortality, particularly the Polish vaccine. Other vaccines resulted in a much higher mortality.

When the experiment was considered concluded, according to the habit and tradition in Block 46, the survivors of the experiments did not survive. Those survivors of the experiments were liquidated, they were murdered in Block 46, by the customary method which my comrades have told you of, by intracardiac injections of phenol, pure phenol of assafetic. That was the customary method of extermination in Buchenwald.

THE PRESIDENT: The Russian translation is not coming through. Can you repeat that about the survivors being killed by intracardiac injections?

A I will repeat it.

Thus, the person who survived the experiments within Block 46, according to the tradition and the habit which reigned in that Block 46, did not survive. Once the experiment could be considered concluded, the survivors of the experiment were murdered. They were liquidated by the customary methods which were used in Buchenwald. I think certain of my comrades have already spoken of this.

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BY M. DUBOST:

Q Will you go more slowly , please? I think the interpreters are having difficulty.

A In Buchenwald I think the liquidation was carried out by intra-cardiac injections of pure phenol of assafetic, a proportion of five or ten cubic centimeters.

THE PRESIDENT: We are not really concerned here with the proportion of the particular injections.

THE WITNESS: Will you repeat that please?

THE PRESIDENT: As I have said, I am not concerned with the proportions in which these injections were given, and will you kindly not deal with these details?

M. Dubost, you might try and confine the witness.

A (continuing) Then I will speak of other details which I think may interest you.

There were other experiments on typhus, experiments of a therapeutic type, chemical products which were to cure typhus, under the same conditions in Block 46.

The German industries collaborated with these experiments. Notably, among those which collaborated with these experiments was I.G. Farben. I.G. Farben furnished a certain number of medicines which might be used for experiments in Block 46. Among the professors of I.G. Farben -- which furnished the medical materials for Block 46 for experimental purposes -- we find Professor Lauschleger.

From the question of typhus we now go to the question of phosphorus experiments, where prisoners of Russian origin were particularly utilized for phosphorus burns. These burns from phosphorus in Block 46 were practiced upon the Russian prisoners for the following reason: bombs which were thrown in Germany through the Allied aviators produced phosphorus burns upon the civilian population, and those were burns which were hard to heal. Consequently, the Germans sought some sort of medical treatment which might ameliorate and improve the conditions of the wounds which were caused by these burns. Thus, experiments were carried out in Block 46 on Russian prisoners,

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who were artificially burned by products of a phosphorus base, and they were then treated with different medicants furnished by the German industry.

Also there were experiments on sexual hormones.

BY M. DUBOST:

Q What were the results of these experiments?

A Each experiment was like a murder.

Q Who was responsible, the SS?

A Yes, of course, because the SS was in charge of these burns and these experiments.

The SS was responsible, since all orders for experiments came from Section 5 of the SS at Leipzig and, consequently, from the Supreme Command of the Waffen SS.

Q What were the results of the experiments made on sexual hormones?

A They were less serious. These were ridiculous experiments from a scientific point of view.

We had, at Buchenwald, a number of homosexuals, that is to say, men who had been condemned by German tribunals for their crimes. These homosexuals were sent to the concentration camps, notably Buchenwald, and put with the other prisoners.

Q What kind of prisoners? With political prisoners, who were patriots?

A With all kinds of prisoners.

Q Yes?

A They were with all kinds of prisoners. They were distinguished by a triangle of pink color.

Q As to the color of this triangle, was that a well-established custom, or was there a great confusion in the classification?

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A In the beginning, before my arrival, according to what I had heard, there was some order in these various triangles which were used for classification. When I arrived at Buchenwald, in January of 1944, there was a great confusion in the classifications, or in the triangles which were used to classify the prisoners.

Q Did prisoners sometimes carry a triangle or wear a triangle of another color than their own?

A That was true of many French.

Q French?

A French who were sent there because they were criminals finally wore the red triangle, which was that of political prisoners.

Q What triangle did the German criminals have?

A The German criminals had a green triangle.

Q Did they sometimes wear a red triangle?

A No, because they were more supervised than the other prisoners, and they usually wore the green triangle.

Q And the work commandos?

THE PRESIDENT: We have heard that they were all mixed up.

M. DUBOST: The Tribunal must be aware that I speak of this because of certain questions which were put by the defense attorneys this morning, and I wish to answer them now in this interrogation.

THE WITNESS: I can repeat to you that we had a complete mixture of nationalities and a complete mingling of the different categories of prisoners.

THE PRESIDENT: That is exactly what he said, that these triangles were completely mixed up.

M. DUBOST: I think, as to the statement of the second witness, that despite the efforts of the defense this testimony should be observed by the Tribunal.

BY M. DUBOST:

Q Do you know of any human skin being tattooed?

A Yes indeed.

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Q Will you please tell us what you know about it?

A Human skin was tattooed, those in Block 2, which was called the Pathological Block at Buchenwald.

Q Were there many human skins tattooed in Block 2?

A There was always human skin which was tattooed in Block 2. I don't know whether there were a great many, but there was some human skin that was merely tanned instead of tattooed.

Q Did they skin humans alive?

A They removed the skin and then tanned it.

Q Will you continue your testimony on that point?

A My testimony on this point: I saw SS who came out of Block 2, which was the Pathological Block, with tanned skin which they carried under their arms. I know, through my comrades who worked in Block 2, the Pathological Block, that there were orders for skins. These tanned skins were given as gifts to some guard, or to some SS visitor, who used them to bind books.

Q You told us that the Chief of the Camp at that time was Koch.

A I was not a witness of the Koch affair, because the Koch affair happened before I came to the camp.

Q After he left there were still tanned skins and tattooed skins?

A Yes, there were tanned skins and tattooed skins as long as I was there. They were there when the camp was liberated by the Americans. They still found in the camp, in Block 2, human skins which were tattooed and tanned. That was the 11th of April, 1945.

Q Where were these skins tanned?

THE PRESIDENT: I am afraid you are still going too fast.

BY M. DUBOST:

Q Where were these skins tanned?

A These skins were tanned in Block 2, and perhaps also in the buildings of the crematorium, which were not far from Block 2.

Q There was then, according to your testimony, a constant custom which continued after the Koch technicians left the camp?

A Yes, this kept on; I do not know in what proportion, but it kept on after his departure.

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Q Did you witness any inspections which were made at the camp by important German personages, and if so, who were those high-placed persons?

A First, may I repeat something about Dora, as far as visits were concerned?

Q Excuse me, I have one thing I wish to ask you, so far as skins are concerned. Do you know anything about Koch's condemnation?

A Yes. I know that Koch was condemned, through rumours and through testimony which I heard from old prisoners who were my comrades, who had been there before me. But personally, I knew nothing about that affair.

Q I would like to know wether, after Koch's condemnation, skins were still tanned.

A After he was condemned? Yes.

Q You are sure that skins were tanned after he was condemned?

A Absolutely.

Q Will you tell us now what visits were made to the camp by high-placed German personages, and who they were?

A Contact between the outside of the German civilians and the German military and the interior of these concentration camps was carried out some time through people who left on leave. Certain political prisoners were permitted to leave who could get the authorization from the SS to go and spend a certain length of time with their families. Also, there were visits from those in the Wehrmacht who came into the camp.

In Block 50 we had a visit from the officer Kommandants of the Luftwaffe. These Officer Kommandants of the Luftwaffe, of the regular German Army, came through the camp and were able to take account of almost everything that was taking place.

Q What did they do in Block 50?

A They just came to make a visit, to see the equipment. They were invited by the Sturmbannfuehrer Schuler, and he received several visits.

Q What was the equipment?

A Equipment for the manufacture of vaccine, equipment of the laboratory

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Q Thank you.

A There were other visits also. There were also nurses who came to this same Block 50. In the month of October 1944 hospital attendants and nurses visited this block.

Q Do you know the names of any important personages

A Yes, personages, if you wish. Erbprinz Juwaldick, who was an Obergruppenfuehrer of the Waffen SS and a Polizeeifuehrer for Hessen and Thuringia, who visited the camp on several occasions, also Block 46 as well as Block 50. He was greatly interested in the experiments.

Q Do you know about the attitude of the prisoners shortly before the liberation from the camp?

A Those interned in the camp suspected that the liberation would come soon. They expected it in April even. There was perfect order in the camp, exemplary discipline. They hid, with extreme difficulties and in the greatest secrecy, arms, cases of hand grenades, and about 250 guns were distributed into lots, one lot for the hospital, about 100 guns, and another lot in Block 50, about 150 guns, and cases of hand grenades.

As soon as the Americans began to appear below the cmap of Buchenwald, about 3:00 o'clock in the afternoon the 11th of April, the political prisoners, who were in formation, took their arms and shot all those who resisted, most of the SS guards of the camp. These guards were greatly wounded. They tried to flee, but they had rucksacks which were filled with booty, thefts which they had made at the expense of the prisoners during the time they had been guards there. They tried to make away with these rucksacks of booty.

M. DUBOST: I have no further questions to submit to this witness.

THE PRESIDENT: We will adjourn now for ten minutes.

(Whereupon at 1535 hours a recess was taken).

M. DUBOST: I have no further questions to ask the witness, Your Honors.

THE PRESIDENT: Do any of the defendant's counsel want to ask any questions of this witness?

BY DR. KAUFFMANN (Counsel for Kaltenbrunner):

Q Are you a specialist in research?

A Yes, I am a specialist in research questions.

Q According to your opinion, was the treatment insane, this treatment which was accorded these people?

A They had no scientific meaning. They only had a practical meaning.

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They made it possible to verify the value of certain manufactures.

Q But do you have a judgment of your own? Did you in reality as a person see these people?

A I saw these people at very close hand, since in Block 50 I was in charge of a part of this manufacture of vaccine. Consequently, I was quite well aware of the kind of experiment that was being made in Block 46 and the reasons for these experiments.

Further, I was able to find out the almost complete inaptitude of the SS doctors and the ease with which we were able to sabotage the sabotage of the German Army.

Q Now, these people must habe gone through much misery and suffering before they died.

A These people certainly suffered terribly, especially in the case of certain experiments, notably --

Q (Interposing) Can you certify that through your own experience, or is that just hearsay?

A I saw in Block 50 photographs taken in Block 46 of phosphorus burns, andit is not necessary to be a specialist nor a doctor to realize what patients whose flesh was burned to the bones have suffered, what they must have suffered.

Q Then, according to your conscience, you were disgusted deeply.

A Absolutely disgusted with those things.

Q Now, I'd like to ask you, what did you do with the order that went to your conscience, namely, the conscience to help the people?

A That is quite simple. When I arrived in the Buchenwald Camp as a deportee, I did not decline my qualities. I simply specified that I was a laborant. Laborant means a man who is accustomed to the technique of a laboratory, having no defined speciality. I was sent to Dora. The SS regime made me lose 30 Kilos in two months. I became anemic.

Q Witness, I am just concerned with Buchenwald. I don't wish to know anything about Dora.

A Well, it was the prisoners themselves at Buchenwald in relation to the camp itself who made me come back to Buchenwald. It was M. Julian

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Cint, the Frenchman, Director of the French National Library, who called attention to my presence to a German political prisoner, Walter Hummelschein, who was secretary in Block 50. And this secretary of Block 50 called attention to my existence without my knowledge and without my having had anything to do with it, that there was a French specialist in Dora. That is why the SS called me back from Dora to work in Block 50.

Q Please pardon the interruption. We do not wish to amplify too much on these matters. I believe everything that you have just said, that that is the reason why you were sent to Dora and your return. My purpose is a completely different one. I would like to ask you once more: You knew that these people, humanely speaking, were martyrs. Is that really the case? Please answer yes or no.

A I knew it of course, but long after --

Q (Interposing) Please answer yes or no.

A I answer the question as I must answer it. I answer that when I arrived at Block 50 I knew nothing, either of the block or of the experiments. It was only later when I was in Block 50, with time, with the relations that I was able to make in the block, that I found out the details of the experiments.

Q Very well. And after you were sure about the particulars of the experiments, the way in which they were carried out, did not your conscience dictate sympathy for these poor creatures?

A My pity was very great, but there was not in the camp any possibility of having pity or not. One had to carry out to the letter the orders that were given or disappear.

Q Very well. Then you are stating that if in any way you had not followed the orders that you had received you might have been killed? Is that right?

A There is no doubt of this. On the other hand, my work consisted wholly in manufacturing vaccine, and neither I nor any other prisoners in Block 46 were able to make or to witness experiments directly. We knew what was going on only through cards that passed through Block 46. These were officially registered in Block 50.

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Q Very well, but I believe there is no difference in consciennce whether you see suffering before your eyes or whether you have knowledge that in the same camp people are being murdered in such a way. Now, I come to another question.

THE PRESIDENT: Did he answer the question you were putting? Will you confine yourself to the question.

DR. KAUFFMANN: That was not a question, Mr. Witness. I will put another question now.

THE WITNESS: I should like to answer this remark then.

DR. KAUFFMANN: I am not interested in your answer.

THE WITNESS: I am anxious to give it.

THE PRESIDENT: Answer the question, please.

THE WITNESS: These sufferings in the camp were everywhere. It was not only in the experimental blocks. It was in the quarantine blocks. It was in the hospitals. It was among all the men who every day died by the hundreds. Suffering reigned everywhere in the concentration camps.

BY DR. KAUFFMANN:

Q Was there a decree or an announcement that there was to be no conversation about these experiments?

A In principle the experiments were absolutely secret, and indiscretion in regard to the experiments might bring penalty of death at any moment. I should add that there were very few of us who knew the details of these experiments.

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Q You mentioned the visits to this camp, and you also mentioned that German Red Cross members, or nurses, and members of the Wehrmacht visited the camp, and that vacations were granted political prisoners to leave the camp. Were you at any one time present at the visits?

A I was present at those visits of which I am speaking within the camp.

Q Did the visitors at this camp see that cardiac injections were being given, or did the visitors see that human skin was tanned? Were those visitors present while mistreatments were being given?

A I cannot answer this question in the affirmative, for visitors went behind closed doors. I can only speak of the visitors who came to my block. One had to pass all the way through the camp to pass my block. I don't know where the visitors might go either before or after the exit from my block.

Q Did one of your own comrades tell you perhaps whether the visitors personally saw these excesses? Yes or no.

A I don't understand the question. Would you mind repeating it?

Q Did perhaps one of your comrades tell you that the visitors at the camp were present at these excesses?

A I never heard that the visitors were present at experiments of this kind or at excesses of this kind. The only thing I can say as to the condemned is what I saw with my own eyes. The SS, the non-commissioned or possibly the commissioned officers - I can't quite remember - I saw them come from the block too. These were SS men; these were not visitors to the camp.

Q Did these visitors, that is, members of the Red Cross, know that these experiments were medically completely worthless, or did they just visit the laboratories and the installations and just wish to look at them and inspect them?

A I repeat again that visitorscame to my laboratory section, where they saw what was being done there, that is, the filling of the vials. I cannot say what they saw after or before. I only know that these visitors of whom I am speaking, Luftwaffe people or Red Cross people, visited the whole set-up of the blocks. They certainly knew, however, what the origin of this

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manufacture of vaccine was and that men might be used as subjects of experiments, since there were tables, graphs, which indicated the progress of the manufacture there for men; but one had to use blood as a basis coming from patients suffering from typhus and not obligatorily from patients artificially innoculated with typhus. I think sincerely these visitors did not know the whole of the atrocities in the form of experiments that were being performed in Block 46, but it is impossible for visitors who went into the camp not to see the horrible conditions in which the population as a whole of the camp, of the prisoners, were held under.

Q Do you perhaps know whether people who received leave, that is, inmates who temporarily were permitted to leave the camp, were permitted to speak about their experiences within the camp and relate these experiences to the outside world?

A All the concentration camps were essentially vast passage camps. The population in them was renewed constantly. They passed from one camp to another, came and went. Consequently there were always new faces. But most of the time the prisoners who could pass, aside from their imprisonment - we didn't know how many went into the camps and how many came out.

Q Perhaps I did not express myself clearly. I mean the following:

From time to time, as you said before, political inmates were permitted to leave the camp temporarily. Did these inmates know about these medical excesses, and if they did know were they permitted to speak in the rest of Germany about these experiments?

A As to the political prisoners, very few of them were at all of German nationality. These were the only ones who could have leaves. They were prisoners whom the SS had confided important posts, who had been imprisoned at least ten years. This was the case, for instance, of the block chief of the canteen, the canteen of the Buchenwald Camp, the canteen of the Waffen SS, who had the responsibility for the canteen, and who was given a leave of two weeks to visit his family at home in the town of Zeitz. This chief of the canteen, consequently, was free for two weeks and was able to tell his family everything he had to say, but I don't know, of course, what he did. What I

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can say is that obviously he would have to be careful. In any case, the prisoners who were allowed to leave the camp were old prisoners, as I have said, who knew approximately everything that was going on in the camps, including the experiments.

Q Now I come to my last question. If I assume that the people just mentioned told members of their families, even on the pledge of secrecy, and the leadership of the camp would have been informed or would have known about this indiscretion, don't you believe that for this indiscretion the death penalty might have been incurred?

A It is obvious that if there was an indiscretion of this kind on the part of the family, at least, if these indiscretions had become known by SS men, for indiscretions of this kind could be made known to people - but if they had reached the ears of the Waffen SS, it is obvious that these prisoners risked the penalty of death.

DR. KAUFFMANN: Thank you very much.

THE PRESIDENT: Is there any other defense counsel who wants to ask any questions?

DR. BABEL: Attorney Babel, defending the SS and the SD.

I am protesting. I was told that I will have a poor press. I am not here about the poor or good opinion of the press, but doing my duty as a defense attorney -

THE PRESIDENT: You are going too fast.

DR. BABEL: (Continuing) and I am of the opinion that it will not want to be made harder by any one participating in this proceeding, even the press.

I have been made miserable, and I have no reason to vindicate anyone who was responsible for the unhappy fate of these people, of the whole people -

THE PRESIDENT: Will you kindly resume your seat?

DR. BABEL: (Continuing) anyone who is guilty in this respect, and I will not try to keep any one guilty in this regard from his proper punishment. I am only concerned with the most just sentence possible, and that any one guilty will not be sentenced.

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THE PRESIDENT: I said kindly resume your seat. It is not fit for you to make a speech. You have been making a speech, as I understood it, this isn't the occasion for it.

DR. BABEL: I find it necessary because I was not protected against the Prosecution.

(Dr. Babel started to resume his seat)

THE PRESIDENT: One moment; come back.

(Dr. Babel came before the microphone again)

I don't know what you mean about not being protected. I don't know what you mean by not being protected against the Prosecution. The Prosecution called this witness, and the defendants' counsel had the fullest opportunity to cross-examine, and we understood you went to the Tribunal for the purpose of cross-examining the witness. I don't understand your protest.

DR. BABEL: Mr. President, I am not familiar with legal proceedings in the United States and Great Britain, but according to German criminal law and regulations, it is customary that accusations which are made without reason, and unjustly, be referred back to the President, and I expected that that might take place in this instance, but since it did not take place, I took occasion to call attention to it. If I committed any injustice or any error, I wish to be excused.

THE PRESIDENT: What unjust accusations are you referring to?

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BY DR. BABEL:

Q You testified that in blocks 46 or 50, in one of these two, there wereweapons, fifty guns, if I remember or understood correctly. Who brought these weapons in?

A We, the prisoners, brought them in.

Q For what purpose?

A We hid them in order to save our skins at the last moment.

Q I did not understand you.

A I say that we hid these guns with the aim of saving our skins, that is, of defending ourselves to the death rather than to be exterminated like most of our comrades in the camp with the flame throwers or machine guns. In this way we could protect ourselves, defend ourselves in any case.

Q You said "we prisoners"; who were these prisoners?

A It was we, the political prisoners.

Q In the main they were supposed to have been German?

A They were all nationalities. There were in the camps, which the SS didn't know, internal secret organizations of defense with shock battalions.

Q There were German inmates who wanted to help you?

A German prisoners were part of these shock battalions, German political prisoners, particularly old German Communists who had been imprisoned for ten years, who were excellent elements in the last moments.

Q Very well, that's what I wanted to know. Then with the exception of the criminals who were with the great triangle, you and the other inmates, who were of German origin, you were on friendly terms and helped each other; is that right?

A The question of Vere didn't present itself because the Germans evacuated the Vere in the last moments. They exterminated almost all of them. They exterminated all of them. They left the camp, and we don't know what became of them. No doubt they're now hiding with the German population, the few who survived..

Q My question did not refer to the green-marked prisoners but the

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relationship you had to the German political prisoners.

A The German political prisoners, the French, the Russian, the Dutch, Belgians, Luxembourgers formed within the camp shock battalions that were secret, which took the weapons at the last minute and collaborated in the liberation of the camp. These weapons were concealed. These weapons came from the gun manufacturers which were close to the camp. These weapons were stolen by the workers who worked in this factory, and each day they would bring either a butt hidden intheir clothes or a barrel or a trigger secretly. With immense difficulties these guns were put together with the different pieces, and then we hid these guns. These guns are the ones that we used in the last days.

DR. BABEL: Thank you. I have no further questions.

THE PRESIDENT: Does any other German counsel wish to ask questions? Have you any questions, M. Dubost?

M. DUBOST: I have no further questions.

These two days of testimony will spare my continuing at any greater length the reading of documents, since it seems in the eyes of the Tribunal that it seems to be accepted that in all the camps the crimes which have been described to you by witnesses were repeated identically, and they have this way proved a superior determination within the government itself, a systematic will to exterminate and to create terror throughout Europe, which the whole of Europe suffered from. We shall now submit briefly the documents that we have gathered together without reading them to you, further limiting ourselves to a very brief analysis when they may bring you --

THE PRESIDENT: M. Dubost, you understand, of course, that the Tribunal is satisfied with the evidence which it has heard to date, but, of course, it is expecting to hear evidence or possibly may hear evidence from the defendants, and it naturally will suspend its judgment until it has heard that evidence and, as I pointed out to you yesterday, I think under Article 24-E of the Charter you will have the opportunity of applying to the Tribunal if you think it right to call rebuttal evidence in answer to any evidence which the defendants may call. All I mean to indicate to you now is, the Tribunal is not making up its mind at the present moment. It will wait until it has heard the evidence for the defense.

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M. DUBOST: I understand you, Mr. President, but I think that the testimony that we have given you during these two days constitutes one of the essential elements of our accusation, and this will allow us to abbreviate the presentation of our documents. We shall simply present them to you by analysis or very brief extracts.

THE PRESIDENT: Very well.

M. DUBOST: We had described the transportation of prisoners, the conditions under which these were made at the time when we were beginning the hearing of witnesses. In order to establish which among these defendants are the ones especially responsible for these transportations, I present Document UK-56, signed "Yodl", and organizing the deportation of Jews from Denmark. This appears among our documents under No. 335.

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M. DUBOST: They were handed to you on Saturday. They were supplied on Saturday.

I continue presenting a question which had been interrupted Saturday when the sessions were suspended at noon.

This document, UK-56, is a telegram transmitted with the mention, "Secret Document." It is the 8th in your first book. Paragraph 2. Second page. There is the number, 1969, at the bottom of the page -- second page that is. Perhaps our secretary-interpreter can help the Tribunal to find the document.

"(Reading) The deportation of Jews must be undertaken by the Reichsfuehrer SS who to this effect will send two battalions to Denmark. Authorization signed: Jodl."

Here we have the execution of a political act by a military organizatior or at least by a chief belonging to a military organization of the German General Staff. This charge therefore affects Jodl and the General Staff.

We have submitted under No.324 in the Saturday afternoon session an extract from the document of the Dutch Government. The Tribunal will find in this report a passage which relates to the transport of Dutch Jews transported from a Dutch town to Auschwitz. On the first page, second paragraph --

THE PRESIDENT: Is that the same book? And what number?

M. DUBOST: F-224, which has become 224.

It is an extract from the report of the Dutch Government, paragraph 3 -- paragraphs 2 and 3:

"All Dutch Jews seized by the Germans were assembled at the camp of Westerburg" -- this is paragraph 3 -- "and little by little all prisoners of Westerburg were deported to Poland."

The consequence of this transport has been expounded to you by witnesses. Do they need to be recalled, when three witnesses have come to tell you that each time the cars were opened numerous corpses were first taken out and a few survivors were found behind them?

The French Document 115 which is the report of Professor Charles Richet also will be found in your first document book. It is No. 115 in your first book. Page 6. Professor Richet repeats what our witnesses have said, that there were 75 to 100 deportees per car, that in each transport men died, 25 per

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cent of the men at least had succumbed in coming from Compiegne in the course of a 70- hour trip. This testimony agrees with that of Blaha, with that of Madame Vaillant Coutourier, with that of Professor Dupont.

Blaha's testimony appears in your document book under No. DS-3249 It is the second declaration -- statement -- of Blaha. It is the second document in your book. We have heard Blaha. I don't think that it is necessary to re-read what he has already stated to us in your presence.

A horribly famous transport is that of Dachau, during the month of August and September, 1944, when numerous convoys which had left France generally from the camps in Brittany arrived in this camp with four to five hundred dead out of about two thousand men per train. This information has been given us in Document S-40, which is in your first document book.

In the second document book, page 86 of your second document book, the first page of this document indicates -- and I quote so that I will not have to return to it again -- in the fourth paragraph which has to do with Auschwitz, that "About seven million persons died in this camp."

This is page 5 of your Document Book, the last paragraph but one. Document 406. It is not necessary to submit this, after the testimony that was given today which simply repeats the conditions under which the transports were made.

Madam Vaillant Coutourier has given us the details of this.

Document 174, page 16, indicates that a train --

THE PRESIDENT: Is that 716 --

M. DUBOST: That is this book of documents. This document indicates -- page 16 -- that in the convoy of the 2nd of July, 1944, which left from Compiegne, terrific scenes occurred -- scenes of violence; that more than 600 of these people died between Compiegne and Dachau, in this convoy. This is discussed in the following document: F-83, which we submit under 337, and which indicates in the minutes of Dr. Bouvier, 10 February 1945, page 5 of Document F-83, in the first document book, which indicates that these prisoners -- it is T-24 in your first document book -- by the time they reached Rheims -- 4th paragraph of the 5th page -- were already half dead of thirst by the time they reached Reims -- second page of this document, 2nd paragraph -- eight dying, one of whom was a priest. He had already been

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taken out of the train by the time they reached Rheims. This convoy was going as far as Dachau. A few kilometers from Compiegne there were already numerous deaths.

Document RF-321, page 21: In this book, submitted Saturday and placed before you as official document, under No.321, pages 21 to 24, you will find numerous examples of the atrocious conditions under which our compatriots were transported to the concentration camps in Germany. Page 21, at the top of the page: "At the station of Rheims water was refused us by the German Red Cross." In the second paragraph: "We were dead of hunger in Breslau. The prisoners again begged the nurses of the German Red Cross to give us a little water. They remained adamant to our pleas."

And so forth.

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To prevent escape in spite of all dealings of modesty, with the most natural dealings of modesty, the deportees were obliged to strip themselves of all their clothes, and thus they travelled for many hours entirely naked from France to Germany. A testimony to this effect is given by our official document already submitted under No. 214, page 17 of the French text, second paragraph to --

THE PRESENT: What paragraph, 174?

M. DUBOST: I beg your pardon, 274, page 17, second paragraph, one: The means they used to prevent escape, or reprisals for them, was to unclothe the prisoners completely, and they offered this arrangement also which was meant to bring about a moral degradation of the individuals. The most authoritative testimony reports are these piles of naken men barely having room to breathe, which was a condition of horror. When escapes occurred in spite of the precaution, hostages were taken in the camps, and they were shot. Testimony to this effect is provided by the same document, page 18. At the top of page 5 deportees were executed. Thus, near Omerancy five deportees from a train were executed, were shot by officers of the Wehrmacht, shot with pistols. It is necessary to add to this quotation that all other official documents, including 320, which we have already submitted, page 20, which was already read, and page 11 of the German Text.

THE PRESIDENT: What document?

M. DUBOST: Page 20 of document 321, page 11, of the German Text. Those people were rapidly chosen the moment they reached the trench. These policemen would seize one of the prisoners, push him against the wall of the trench, and fire a pistol shot into the back of his neck. It was the same rule that prevailed in the deportation of prisoners from Denmark. The Danish Jews were particularly badly treated, for a certain number of them had been able to escape and to help the Danish compatriots, and unfortunately eight to nine persons were apprehended by Germans and deported. It is estimated that 415 of them were transported by boat and truck under inhuman conditions, and arrived more dead than alive at the original stop. This is from Danish document submitted under No. 666. The Tribunal will find it in the first volume of this document book, and the quotation which I have just made is on page two of this

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document. That is the sixteenth document in the first document book. It is the one before the last. For this country it is necessary to make known to the Tribunal of the deportation of the frontier guards, page 3, the third paragraph, and of the police, of the last paragraph. In most places the polic men were sent back immediately after havint been unarmed; only in Copenhagen and at provincial towns they were held and sent by truck to the south of Germany, and for the frontier guards the following paragraph:

THE PRESIDENT: Page five is that?

M. DUBOST: Page 3, document 666.

THE PRESIDENT: Which paragraph?

M. DUBOST: The third paragraph now. Second for the police, and third for the frontier guards. The fourth line, or the end of the line, the police led the guards to Buchenwald concentration camp, and they were right there in an indescribable sanitary condition, and a very large portion of them fell ill and about one hundred police members and frontier guards died, and several still bear traces of thei death. At the end of this deportation all the citizens of the subjected countries of the West of Europe find themselves in the company of their comrades of unfortunates in the concentration camps of Germany. These camps are means of realization of the policy of extermination which Germany pursued from the time it seized power -- from the time the National Socialists seized power. This policy of extermination lent itself and seemed to be the only policy that Hitlers 225,000,000 Germans, and over th territories adjoining Germany, seemed to constitute in the vital spaces of Germany. The police of the Germany Army no longer dare to shoot their hostage They were transported at a faster and faster pace from 1943 to German concentr tion camps. Everything is done to make them disappear from the extenuating labor to the death chambers. The figures which we have gathered in France do not enable us to estimate, but they were more than 250,000 deportees among the French and only 5,000 returned. Document 417 under No. 339, which is the third in the first document book, indicates that.

We had 600,000 arrests with which the Germans proceeded in France. Out of these arrests 350,000 were carried out with a view of interrmment in France or in Germany. This document is, as the Tribunal, --

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THE PRESIDENT: Where is this document 417.

M. DUBOST: In the first document book, the third, it is No. 497.

THE PRESIDENT: It is 417.

M. DUBOST: It was the fifth document, fourth paragraph. The total number deported 250,000, and the deportee number returned 35,000. Following are a few persons deported of prominence: M. Bussieres, and M. Bonnefoy, who disappeared. de Lestraing, who was executed at Dachau. M. Job executed at Auschwitz. M. Frere died at Strutthof. M. Bardi de Fourtou, died at Neuengamme. Colonel Roger Masse, died at Auschwitz. The high officials: Marquis de Moustier, died at Neuengamme. Inspector General Boulloche, inspector of bridges and roads, died at Buchenwald. His wife died at Ravensburck. His son died as a deportee, and his other son returned from Flossenburg. Jean Deveze engineer of bridges and roads, died at Aushchwitz. Mmme Getting, founder of the social service in France, disappeared at Auschwitz. One of the University professors of the College of France died at Buchenwald. Georges Bruhat, director of the l'Ecole Normale Superierue, died at Oranienburg. Professor Vielle died at Buckenwald. I can not quote every one. I can not read the names of all the intellectuals who died in concentration camps. Among the doctors, we should point out the director of the Hospital Rothschild, Dr. Zadoc-Kahn, director, murdered at Auschwitz.

As concerns Holland, one hundred ten Dutch citizens were arrested. Of the Jewish religion, only five thousand returned; sixteen thousand compatriots were arrested, only six thousand returned. Total out of 126,000 deported, 11,000 returned to their native land after liberation.

In Belgium, 117,000 deportees, not including the war prisoners -- including the war prisoners. In Luxembourg, 7,000 deportees plus seven hundred Jews. Four thousand Luxembourgers of this number approximately died. These are from documents S-681, S-231, S-659, which we submit under Nos. 340, 341 and 342.

In Denmark, from document 666 already submitted, page three, six hundred were interned and more than five hundred died.

There were camps in Germany and outside of Germany, and those outside of Germany, most of the camps, served simply for the selecting of prisoners, and I have already spoken to you of this. Certain functions like those in Germany'

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Vesterborg and Holland have been pointed out.

This is dealt with in S-222, now submitted under No. 324, which is the report of the Netherland Government, of Camp No. 4, in Document No. 6670.

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No. 344; this is the eleventh document in your first document book, and what we already know through the direct testimony of the regime of the camps makes it unnecessary for me to go into the details, which are dealt with within the document and which do not bring in new facts.

There is also the camps still in Holland and in Norway. There is the camp of Falstad, the one of Ulven and of Espekand. These were camps which were described by document provided by the Norwegian Government, document No. 240, which is the second in your document book No. 1, on which we have already submitted facts. The Tribunal will excuse me for not reading this document, which does not give any information that we have not before already given.

The camps in Germany, like those outside of Germany, which were not camps of passage, must be divided into three categories, under the terms of the German instructions which have come into our hands. These instructions you will find in your second document book, page 11, which has continuous pages in this document No. 1063-PS, which we submit under RS-346, page 11 of your second document book. We read that the Reichsfuehrer SS, and Chief of the Police of German Reich has given the agreement as to collection of a category of concentration camps according to the personality of the prisoners' degree of danger which they represent to Germany. Secondly, the concentration camps have been classified in the three following categories.

Category 1: for the prisoners guilty of minor crimes.

Category 1-A: for old prisoners according to their health, which enables them to work only under certain conditions.

Category 2: (page 12, second document book) for prisoners who can be re-educated.

Category 3: for all prisoners whose charges are particularly heavy.

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And under date 2 January 1941, the date of this document, the German Administration divided the camps into three categories, indicating the division of the camps throughout Germany into three categories, which seems to make it unnecessary to come back to the geographical distribution of these camps in Germany, since my American colleague has already given a complete presentation of this question with geographical maps. The organization and the functioning of those camps were regulated in this way.

THE PRESIDENT: Will your address take much longer, because we are going to adjourn unless you are going to close in a few moments?

M. DUBOST: It will be five minutes and I can finish the account and it will be unnecessary to come back tomorrow morning. The organization and functioning of those camps have been so arranged for a double end.

First, according to document No. 285, which is on page 14 of the second document book, which you have before you, it was the aim to supplement labor by giving the guards protection at the least cost. We shall not read this. On page 14 in your second document book you will read the first paragraph, for reasons of military importance. This is under date 17 December 1942 and coincides with difficulties met in the course of the Russian campaign, and for impossible reasons which cannot be discussed here.

The Reichsfuehrer SS and Chief of German Police had ordered that from 14 December 1942 until end of January 1943, 35,000 prisoners at least who are incapable of working must be sent to concentration camps. Paragraph 2, the following measures, which read thus. "The number from then on until 11 May 1943--all the workers from the countries of the East, and all the workers of foreign race who have fled or broken their contracts, not belonging to Allied, friendly or mutual States, shall be interned, as rapidly as possible; arbitrary internment with a view to getting at the least cost the maximum of labor, which is already spent in Germany, and which must be paid for, since it is under the regime of labor contract.

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which must be paid for, since it is under the regime of labor contract.

The organization of these camps tend even further to exterminate all forces which cannot be any longer expedited by German industry, and which in general could limit or hinder the Nazi expansion. The proof of this is furnished by document R-91, second document book, submitted under No. RS-347, which is a telegram from the Chief of Staff of the Reichsfuehrer SS and received at 2.10, 16 December 1942 from Berlin. The paragraph from the last is given. "In regard to organization of the number of workers for the concentration camps, which was found completed for 30 January 1943, you might proceed in the way as concerns the deportees. First, total number 45, second, 11 January, 1943, beginning of the transport and ending of the transport, 31 January 1943, composition third. The most important part of the document shows 45,000 Jews are composed, and the 30,000 Jews coming from the district of Byalystock, 10,000 Jews from Byalystock Depot, but that 5,000 are Jews capable of working until now which were for minor work in the Ghetto, and 5,000 Jews in general incapable of working, which can include the Jews above sixty years of age. In order to take advantage of, or reduce the number of internees, which have reached the number of 48,000, which is excessive for the Ghetto, I ask for special power to attend to this."

The number at the end of this paragraph was 45,000, including the invalid old Jews and children included by reason of rational system of selection of new selectees in Auschwitz, where were apprehended 10,000 to 15,000 prisoners capable of work. (This is underlined in the text.)

Here is the official document which corroborates the testimony of Mme. Vaillant Coutourier, and the various other testimony on the same question, and in terms of which the systematic selections were made in each convoy when each convoy arrived at Auschwitz, not merely by mere will of the chief of the camp of Auschwitz, but from results of the highest order emanating from the very Government of the Reich.

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If the Tribunal please, my presentation will cease here this evening, and will be continued tomorrow, on the problem of the utilization of labor, which I shall treat as quickly as possible, taking into account the testimony we already had.

(Whereupon at 17.20 hours the hearing of the Tribunal adjourned, to reconvene at 10.00 hours, 30 January 1946.)